

he seemed never to think of himself, as he certainly never spoke of himself, and he was throughout as keenly interested in the diligent performance of his public duties and in kindly offices to others as if he had been free from pain. I feel that a beautiful spirit has gone out of the world.

Mr. DRUKKER. Mr. Speaker, ROBERT GUNN BREMNER was born in Keiss, Scotland, December 17, 1873, and it was from his Scotch ancestry that he inherited much of the indomitable will and courage which marked his career. At an early age he went to Toronto and ultimately settled on a farm in the neighboring village of Camella. He studied diligently, taught school, and subsequently came to Paterson, N. J., where he engaged in newspaper work. At the outbreak of the Spanish-American War he enlisted in Company C, Second New Jersey Volunteer Infantry. In 1902 he became editor and publisher of the Passaic Herald and served in that capacity up to the time of his death.

BOB BREMNER, as he was familiarly called, had the faculty of making and retaining friends. His mind was a storehouse of knowledge; his disposition sunny and cheerful. He was eminently fitted for the career he had mapped out and for the duties which were imposed upon him during the last year of his life.

His marked ability and leadership early attracted attention; and though suffering from an incurable illness he was nominated by his party without opposition to represent the seventh congressional district of New Jersey in the Sixty-third Congress. Only those who were favored with intimate acquaintance know how with pain-racked body he sought faithfully to carry out the wishes of his constituents. Those who were most closely associated with him during his protracted illness recall that even the greatest suffering could not break this masterly spirit of cheerfulness. No matter how severe his agony, this man, whose body was so cruelly spent by disease, had always the same tender smile and cheery welcome for his visiting townspeople.

History has made heroes of men whose deeds required no such fortitude as was displayed by this young Passaic editor, in whom bodily affliction could not put a check upon ambition, and who was able to look at life hopefully and philosophically even though, in his own heart, he knew that nothing could save him.

We can well believe the story which reached us from his bedside during his last hours. When asked why he submitted to further treatment after the attending physicians were forced to admit that it was impossible to extend further relief, he replied:

They may not be able to help me, but they can learn something from their experience which may be of help to others.

As an editor he did much for his city, where his pen was always ready to advocate reform. His life will be measured not by his achievements in this Chamber, where his illness prevented him from regular attendance, but in Passaic, N. J., where he labored long and was untiring in his efforts to advance the public good.

Mr. MONTAGUE. Mr. Speaker, the late Member of this House in whose memory we are now gathered has living within my district two brothers, one a very earnest and devout minister of the Gospel, and the other a lawyer of capability and success, of energy and good example. Knowing well these gentlemen, for I count them my friends, I was naturally much interested in meeting their brother when I became a Member of this House.

I had learned somewhat of his illness, but I was hardly prepared to see the inroad of this fatal malady so marked and so advanced. I first saw him sitting on the front row beyond the last aisle to the right of the Speaker with his arm apparently beneath the sleeve of his coat and supported by a dark bandage of cloth. It was apparent that the winding sheet of death was more than half about him, but despite this gloomy picture I found the greeting cordial and cheerful, a face of smiles, almost effeminate in tenderness, and here and there a seam or line that indicated intensity of suffering, but a fortitude to combat it. Such a personality attracted me as I am sure it attracted every Member who met him.

It is a fine thing to see a man battling against tremendous adversities of life. It is an inspiration to see a great soul endeavoring to overcome the moral and physical difficulties of the world. But to observe at close hand a man fighting for his life against such transcendent obstacles, with supreme cheerfulness and rare courage, will perhaps leave to you and to me a stimulus for the public good, a contribution to our official standards, greater than any forensic triumphs that may result through this Hall.

Eloquence may be sometimes preserved by the records of this House; wit may here and there leave a shaft to be seen in after years; reason and exposition may cleave the clouds of

our doubts; but I suspect I voice the inner conscience of the membership of the House should I observe that you and I are most helped in the discharge of our public duties by contact with a clean, lofty soul standing firm amidst racking pain and lowering clouds that gather about the end of the journey, and knowing no hypocrisy and no cant.

In the short period of life, which is but a watch in the night, it is more helpful to strike hands with some sincere man, burdened with the same responsibilities, than to be moved by those forces that sometimes lend majesty to this forum. We have in our natures those subtle, finer, and more enduring qualities that find their sources in the spirit, and to the spirit the still small voice is deep if not loud. Contact with such a character lends luster and exaltation to life.

Mr. Speaker, it is a mournful pleasure to associate myself with the membership of this House in giving some expression to my appreciation of ROBERT G. BREMNER and to pay my feeble tribute to this patient, hopeful man, with a serene but intrepid spirit, laboring for good amidst pain and agony and walking the last path of earth with a faith and a hope we may well envy.

ADJOURNMENT.

The SPEAKER pro tempore. The exercises having been concluded, in accordance with the resolution already adopted, the House will stand adjourned until to-morrow at 11 o'clock a. m.

Accordingly (at 12 o'clock and 55 minutes p. m.), under the order previously agreed to, the House adjourned until to-morrow, Monday, January 25, 1915, at 11 o'clock a. m.

SENATE.

MONDAY, January 25, 1915.

(Legislative day of Friday, January 15, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CORRESPONDENCE RELATIVE TO CONTRABAND (S. DOC. NO. 716).

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

Mr. STONE. Before the Senator does that, will he yield for just a moment?

Mr. SMOOT. I withhold the demand.

Mr. STONE. I have here a document that I have made two or three efforts to have printed as a document. It is correspondence mentioned in the papers this morning in reference to contraband. Several Senators have told me that they want to have it printed as a document. I should like to have consent to have it printed in the RECORD and also made a public document.

Mr. SMOOT. One or the other.

Mr. STONE. I will ask that it be printed as a Senate document.

The VICE PRESIDENT. Will the Senator from Utah withhold his suggestion of the absence of a quorum?

Mr. SMOOT. I will.

The VICE PRESIDENT. Is there objection to printing the correspondence as a Senate document?

Mr. STONE. I should like to have 5,000 additional copies printed for the use of the Senate document room.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

CALLING OF THE ROLL.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Overman	Sterling
Brady	Hardwick	Page	Stone
Brandeggee	Hollis	Perkins	Sutherland
Bristow	Johnson	Pittman	Thomas
Bryan	Jones	Pomerene	Thompson
Burton	Kern	Robinson	Thornton
Camden	La Follette	Root	Tillman
Catron	Lippitt	Saulsbury	Townsend
Chamberlain	McCumber	Sheppard	Vardaman
Chilton	McLean	Sherman	Warren
Clapp	Martin, Va.	Shively	White
Clark, Wyo.	Martine, N. J.	Simmons	Williams
Cummins	Nelson	Smith, Ariz.	Works
Dillingham	Norris	Smith, Ga.	
Fletcher	Oliver	Smoot	

Mr. PITTMAN. The Senator from Oregon [Mr. LANE] requested me to announce that he is busy on committee work.

Mr. LA FOLLETTE. I was requested to announce that the Senator from Montana [Mr. WALSH] is engaged in presenting a matter to the Committee on Indian Affairs and is unable to attend the session of the Senate this morning.

Mr. OLIVER. My colleague [Mr. PENROSE] is unable to attend the session of the Senate on account of serious illness. I make this announcement for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll. There is a quorum present.

CREDENTIALS.

Mr. SUTHERLAND presented the credentials of REED SMOOT, chosen by the electors of the State of Utah a Senator from that State for the term beginning March 4, 1915, which were read and referred to the Committee on Privileges and Elections.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6856) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia, to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes.

Mr. ROOT. Mr. President, I wish to address myself this morning to the amendment to the pending ship-purchase bill offered by the Senator from Massachusetts [Mr. LODGE]. I may find it necessary hereafter to speak upon another important phase of the proposed legislation, but at present I speak upon that alone.

I wish at the outset to say a few words regarding the discussion of the measure. I hope I am not warped or carried away by feeling or by any partisan considerations, but it does not seem to me that this bill to put the Government of the United States into the business of foreign shipping is receiving the kind of discussion which a measure of great importance and novelty ought to have. It is a very important measure. It is important not merely because it involves the expenditure of a vast sum of money at a time when we have been forced to make up a deficit in our revenues by imposing an extraordinary tax which we call the war-revenue tax, but it is important because it embarks the Government of the United States upon a new departure, based upon a reversal of the principles of government which we have always followed up to this time. No such change of principle and policy was in the contemplation of the people of the United States when the present administration was put into power by their votes. No such reversal of principle and policy was ever discussed and passed upon by the people of the United States in any election.

Plainly the judgment of the people should be taken so far as it is possible by the ordinary methods in which a free, self-governing people proceed with the conduct of their Government. Plainly if there be any strength or virtue in our representative government such a new departure and reversal of principle and policy should have the fullest possible discussion in the great public forum of the Congress of the United States. Is this measure receiving that? It seems to me, sir, that it is not.

The bill in its present form was reported on the 6th of January. During the month before in December it had been introduced by the Senator from Missouri [Mr. STONE] and referred to the Committee on Commerce. It was reported by that committee without hearing and without any extended consideration or discussion in the committee.

The bill was brought before the Senate for consideration, if I am not mistaken in my dates, on the 4th day of the present month, and the Senator from Florida presented in a brief and not exhaustive or extensive manner the report in favor of the bill. Upon that day notice was given that discussion of the bill by the minority in the Senate would be regarded as improper and obstructive. Those are substantially the words that were used by the senior Senator from Missouri [Mr. STONE]. Notice was given which stigmatized all discussion of the bill by the minority as obstructive and improper.

Mr. FLETCHER. May I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Florida?

Mr. ROOT. Certainly.

Mr. FLETCHER. May I inquire who gave that notice?

Mr. ROOT. The Senator from Missouri [Mr. STONE] gave that notice.

Mr. STONE. Mr. President—

Mr. FLETCHER. I certainly did not myself, because I stated positively that we would afford ample opportunity for full discussion.

Mr. ROOT. The Senator from Missouri, who introduced the bill, gave the notice, and he accompanied it by the statement that they had the votes to pass the bill.

Mr. STONE. Mr. President—

Mr. ROOT. In advance of any discussion, in advance of any consideration, the notice was given that the majority in the Senate had the votes to pass the bill.

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Missouri?

Mr. STONE. Mr. President, I was looking for the record of exactly what occurred. I did look that up when the Senator from New York made a statement somewhat similar to the one which he repeats this morning, and I thought later to have the exact facts shown from the record of what was said repeated here. I am not able at this moment to turn to that record, not recalling the exact time when the colloquies occurred; but if the Senator will permit me a few moments, as soon as I can look it up I will be very glad to have the exact facts and everything that was said in consecutive order stated.

Now, Mr. President—

Mr. ROOT. Mr. President, it is not my purpose to yield the floor.

Mr. STONE. I am not asking the Senator to yield the floor. The VICE PRESIDENT. The Chair would not rule that the Senator from New York had yielded the floor.

Mr. ROOT. I say that because it is commonly reported—

Mr. STONE. But the statement—

Mr. ROOT. That it will be regarded during the progress of this debate as a yielding of the floor by the Senator holding it if he permits any interruption for the purpose of any speech or business whatever—that is the understanding—except the asking of a question.

Mr. STONE. Very well; I will wait until the Senator from New York concludes his address, Mr. President, and then I will produce the RECORD, for I am sure the Senator from New York does not wish to make a misleading statement, although a mistaken one.

Mr. ROOT. Mr. President, I do not wish to do the Senator from Missouri any injustice. Like him, I have not examined to get the precise words which were used. I am stating the effect of what he said upon my mind, the effect upon the mind of all the Senators about me, and upon the minds of all the Senators with whom I have since conversed. The effect was that the Senator from Missouri intended on the 4th of January to give notice that discussion of this ship-purchase bill on this side of the aisle would be regarded as improper and obstructive. He accompanied that by the statement: "We have the votes to put the bill through, unless it is prevented from coming to a vote by improper or obstructive tactics." That was but the beginning.

Two days after this notice was given a substitute bill was introduced striking out everything that had been in the measure on the 4th of January and substituting an entirely new measure, with much that was in the old, but a new measure from beginning to end. Since that time we have not been discussing this bill; there has been no discussion of this bill in this representative body. Some of us who have been opposed to the bill have been making speeches about it, but the bill has not been discussed.

I have sat here and counted with wonder from time to time the numbers of the majority who have been present while men eminent for learning and experience and ability and patriotism have been attempting to discuss the bill. I have seen here four Democratic Senators present, three present, one present. I marked the presence of but one Democratic Senator in this Chamber by saying to the Senator from New Hampshire [Mr. GALLINGER]: "If some one would call Mr. FLETCHER out of the Chamber, we might move to adjourn." I say that has been the rule—one, three, four, five, half a dozen Senators present while the Senator from Ohio [Mr. BURTON], the senior Senator from Iowa [Mr. CUMMINS], the junior Senator from Massachusetts [Mr. WEEKS], and the senior Senator from Massachusetts [Mr. LODGE] have been trying to perform their duty of discussing this great and novel measure in the Senate of the United States. The men who announced at the beginning that they had the votes to carry the bill have been absent.

The Senator from Mississippi [Mr. WILLIAMS], with that genial humor which so often brightens the closing hours of our legislative days, had—I will not say the effrontery, but I will say—the disrespect to tell the Senate that the speeches made by these gentlemen were not worth listening to. He said what was true, that he was not obliged to listen to the Senator from Ohio or to the Senator from Massachusetts or to the Senator from Iowa—that is true—but when having been absent, not having heard one word, he comes into the Senate and says they were not worth listening to, that they were long speeches with nothing in them, he denies the efficacy of the American system of representative government; he discredits the Senate of the United States; for, sirs, there is not now and never has been

in our history a group of men whose study and thought and expression upon great public questions have been of greater value to the people of the United States than the Senators whom I have pointed out and who, the Senator from Mississippi says, are not worth listening to.

Why is it, Mr. President, that this course has been followed? Not because the Senators upon the other side really believe that the contributions these Senators have made to the discussion of this bill are not worth listening to, but for a very different reason. It has not been the ordinary fatigue or desire to attend to other business; it has been for a specific purpose. Before I state that purpose, let me add that not only had there been an announcement at the beginning that you had the votes to pass the bill, and, subsequent to that, abstention from the meetings of the Senate during our attempts at discussion; not only has there been the open and public declaration that what the ablest men in the minority had to say on this new subject is not worth listening to, but the rules of the Senate have been so used, have been used in such an unusual and extraordinary way as to make any attempt at discussion upon this side of the Chamber most burdensome and difficult.

I am now speaking on the 25th day of January, but we are proceeding according to the Calendar of Business, from which I read, and according to the order of the majority of the Senate, upon the legislative day of Friday, January 15, 1915. Why is that fiction employed?

Mr. HUGHES. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from New Jersey?

Mr. ROOT. I yield so far as I may without losing the floor.

Mr. HUGHES. I merely desire to ask the Senator if that situation does not exist by virtue of unanimous consent entered into in this body?

Mr. ROOT. Mr. President, it does not exist by unanimous consent.

Mr. HUGHES. Well, practically by unanimous consent.

Mr. ROOT. It does not exist practically by unanimous consent. It exists against my open and vigorous objection, and it exists because of the voting down of a motion to adjourn made by the junior Senator from Pennsylvania [Mr. OLIVER] and the carrying by the majority of a motion for a recess until 11 o'clock, instead of the ordinary adjournment.

Mr. President, why is it that for 10 days we have been conducting our business under a fiction, under a false pretense—the pretense that we are in the day of January 15? Why, sir, it is in order that we may have from 11 o'clock in the morning until 6 or 7 o'clock in the evening, during which no business can be transacted, except the making of speeches on this bill; that is, eight hours of continuous speaking on this bill with no other business. This fiction of a continuous legislative day cuts out the morning hour; it cuts out the order of business under which petitions and memorials may be presented, under which bills may be introduced, under which reports of committees may be submitted; all business of the Senate is pushed aside by this fiction in order that the opponents of this bill may be turned into the Chamber under the necessity of speaking continuously eight hours every day, and with the threat looming up before us of night sessions also, and speaking to empty benches on the other side.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. I yield for a question.

Mr. SIMMONS. I do not rise especially to ask a question, but I rise—

Mr. ROOT. Then, Mr. President, I feel that I can not yield.

Mr. SIMMONS. I rise for the purpose of correcting an error in the statement of the Senator from New York, and I hope he will permit me to do that.

Mr. ROOT. If I do not lose the floor I will gladly yield.

Mr. SIMMONS. I do not ask the Senator to yield the floor.

The VICE PRESIDENT. The Senator from New York will not lose the floor.

Mr. SIMMONS. I appeal to the Senator if he will not permit me to correct what I think is a misleading, an unintentionally misleading, statement of the Senator from New York.

Mr. ROOT. I should be glad to be corrected.

Mr. SIMMONS. Mr. President, I have been in the Chamber not all the time since this debate began, but I have been in the Chamber as much during the speech of the Senator from Ohio and the speech of the Senator from Massachusetts as has any other Senator in this body.

Mr. GALLINGER. Mr. SMOOT, and others. Oh!

Mr. SIMMONS. But I want to say, as a result of my observations, believing that I was present as much as any other

Senator in this body while those two speeches were being delivered, that, as a rule, there were as many Senators on this side of the Chamber while those speeches were being delivered as there were on the other side.

Sometimes there were more on the other side than on this side, and sometimes there were more on this side than on the other side; the attendance on both sides has been exceedingly meager. The great Senator from New York was in his seat very little of the time during the deliverance of those two speeches. It has been the case since I have been here that when a filibuster was going on and a Senator was speaking largely for the purpose of consumption of time both sides of the Chamber have been a little indifferent with reference to attending the discussions. I do not believe the Senator's criticism of the absence of Senators on this side is any more just than a like criticism of the absence of Senators on the other side during the delivery of the two speeches referred to. I may be wrong about it, but my recollection is that the Senator from New York was present but a very short time, a very small portion of the time while the two Senators to whom I have referred occupied the floor.

Mr. ROOT. Mr. President, the Senator from North Carolina is wise in saying that he may be mistaken about it, for he was not here to see whether the Senator from New York was present or not. He may have an invisible cap or coat, and if he has been present he has worn it, for I hoped very much from the fairness and intellectual integrity of the Senator from North Carolina that the arguments that were being made would produce an effect upon his mind, notwithstanding the arrogant assertion that his party had the votes to pass this bill and would pass it. The Senator from Massachusetts [Mr. LODGE] spoke not more than an hour and a half, and I sat and wished Senators upon the other side might be here to hear him. The fact remains, conceded by the Senator from North Carolina, that the benches were empty except now and then two or three or four. The fact remains that there has been no discussion of this bill, but there has been a conspiracy of silence on the part of the Democratic Party, which "has the votes" to pass the bill; and by a fiction which continues for 10 days the legislative day of January 15 it has been made as hard as possible for the opponents of the bill to discuss it.

Mr. President, this bill is being put through by the pressure of physical weakness. It is being put through by means of making it as exhausting as possible for the opponents of the bill to discuss it.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Missouri?

Mr. ROOT. I will ask the Senator not to interrupt me again. I have been diverted from the line of my remarks and have spent more time upon this phase of the matter than I had intended to.

Sir, there are two objects of discussion in a representative body. One is to convince one's colleagues, to produce an effect upon the minds of one's colleagues. That is the deliberation, the consideration of the representative body. That, sir, does not exist in regard to this bill. No one can deny it. There have been discussions behind closed doors, we are told by the newspapers. There have been discussions in the Democratic caucus, amendments offered and adopted, amendments offered and rejected behind closed doors, but no discussion of this great measure in this representative body.

I am not one, sir, who flouts at caucuses. I think there may well come a time in the course of the progress of legislation when a party shall undertake to act as a unit; but, sir, it ought to be after discussion, and not before discussion or as a substitute for discussion. You are substituting secret discussion in your caucus to the exclusion of that discussion and consideration of this great measure which the Constitution, the spirit of our free American Government, demands.

There is another object of discussion, sir, and that is an object which reminds me of the old phrase, so familiar to some of us, "leading in prayer." When we properly discuss a measure of public importance we not only address ourselves to each other, but we are leading, stimulating, inciting the thought and discussion of the people of the whole country; and that, sir, is after all the great, the all-important, the indispensable function of a public legislative body. Once we begin in the Senate to discuss a new measure, as little attention as may seem to be paid to specific utterances, some get into the press; in all the great newspaper offices there are men whose business it is to read the Record; public discussion begins; pertinent conversation among citizens begins; in all the places where American voters meet they begin to discuss, and gradually,

through the press and through letters, telegrams, and conversations comes back to the body a sense of public judgment.

Mr. President, when has there been proposed to the American Congress a measure which required that kind of discussion more plainly than this novel and important measure? Yet it is denied by the continued pressure of a fictitious legislative day, and long hours, and abstention from discussion upon the side of the majority, pressing on the progress of this measure for the purpose of putting it through by brute force and weight of votes before the people of the United States can think about it and discuss it and express their opinion upon it.

Mr. President, the fact that this measure can not have that kind of discussion and be passed at this short session consistently with doing the primary work of the session upon the appropriation bills shows that it ought not to pass at this short session. You can pass it, my friends upon the Democratic side of this Chamber. You can pass the bill. You have it in your power. The Senator from Missouri was right when he said: "We have the votes, and will pass it." You can do it because upon this side of the Chamber are men who have grown old in the public service, and whose physical strength makes it impossible for them to do what their sense of duty would dictate. You can pass it, but you do it at the fearful risk of denying to the people of the United States that consideration and discussion and formation and expression of judgment to which they are entitled.

Mr. President, important as this bill is, I am not sure that the subject I am now discussing is not still more important. The modification of constitutional government by practice is a gradual but resistless process. We are all familiar with the change in our constitutional system which practice has made in regard to the election of a President. The electoral college no longer is at liberty to speak its own mind or to act upon the dictates of its own judgment. Gradual progress has nullified the constitutional provision, and has created a new system. That process has taken place in many a land. When Louis XIV declared himself to be the State, it had become the sole function of the Parliament of Paris to register—not to discuss, but to register his decrees. I have seen national legislative bodies which have reached that point. I have seen them, have been present in them, when no voice was clear enough, no courage high enough, to break away from the custom which accepted and registered the directions of the chief executive. It was the result of a gradual process.

Let us not be too confident that we are proof against such a process. We abandon to-day the performance of our function of so discussing this measure among ourselves that there shall be real deliberation, real consideration, real forming of opinion here, of discussing it so that the people of the country shall follow us in discussing it in forming and expressing their opinion, and we have taken one step further than ever before in the process which will make us a registering body rather than a legislative body.

I do not mean that it will come to-morrow. I do not mean that other bills may not come on which there will be discussion; but I mean that we are taking a step in a process which is fraught with danger and with fatal results to representative government. We can justify our existence as a body only by the performance of our duty.

Oh, sir, the liberties of a free people depend upon the courage and persistency of a minority. They depend upon independence of thought and action on the part of all the members of a legislative body. If we are merely to register, if we are to refrain from discussion, if we are to smother our judgment, we are contributing our part toward a process more fatal to our country than any legislation we can devise, more injurious than any benefit we can render.

Now, Mr. President, let me turn my attention to the bill itself, and what it does.

It is an emergency measure. It puts in the hands of three members of the Cabinet practically \$40,000,000, with power to increase the amount for the purpose of entering into the business of ocean transportation on the part of the Government of the United States.

I looked to see what may have prompted the sponsors of the bill, and I find that in the testimony of the protagonist in its behalf, the Secretary of the Treasury, Mr. McAdoo, the emergency character of the bill is clearly and forcibly stated. I read from his testimony taken on the 1st of September, 1914, before the House committee, the hearing of the Committee on Merchant Marine and Fisheries on House bill 18518. He says:

A great deal of our commodities and our products are dependent and have been dependent for outlet upon some of the foreign bottoms which are now idle, and that, in turn, has, of course, had an injurious reflex action upon our commerce. The immediate problem confronting

us is to provide additional facilities for carrying American products in the foreign trade; and in order to do that, we must depend upon either private capital to make these investments in ships to be sailed under our flag or else the Government will have, as an emergency measure, to come to the assistance of the country.

He says also:

Of course this measure is designed to be an emergency measure. It never was contemplated that this should be a permanent operation on the part of the Government. Still I think the provision for the disposition of these ships is ample in case the necessity for them shall have disappeared. Therefore the bill was drawn with reference to the immediate emergency that is to be met.

He says also:

You are facing a situation now where you can not measure economy against the interests of the American people, and you must assume also, in the discussion of subsidy, which I am opposed to on principle anyway, you must assume that companies are available to take advantage of any subsidy that would be granted. They are not available, and there is no telling how soon they could be organized. It is only by the Government dealing with this question in double-fisted fashion that relief can be given.

There was something said about South American trade, but manifestly that is not an emergency and not any part of the emergency, for everyone agrees that there is more shipping to transact the South American business than there is business to be transacted for the present, and there is no emergency there.

I said this puts a large amount of money in the hands of these gentlemen. They are at liberty to subscribe for \$10,000,000 of stock. They are bound to subscribe for 51 per cent of that. They are to offer the remainder to public subscription; but it is agreed that the business is to be conducted at a certain loss. The Secretary of the Treasury states that with great frankness in the hearing; and therefore it is assumed by him and by other sponsors of the measure that there will be practically no private subscriptions for stock. It is quite evident that no one would from ordinary and proper commercial motives subscribe at par for the minority stock of a measure which is advertised beforehand as a losing measure.

Therefore the Government will subscribe for all the stock under the terms of the bill. They are authorized to sell \$30,000,000 of Panama bonds, making \$40,000,000. They are authorized to increase the stock indefinitely with the approval of the President.

The newspapers say that in the Democratic caucus an amendment has been adopted which will limit that increase to \$10,000,000 more, and I will without dwelling further upon it assume that to be the limit, making \$50,000,000. They are to put \$50,000,000 into a losing business, the loss upon which will have to be made up from taxation.

Of course, this must be but an emergency measure. Of course, it is only as an emergency measure that anyone would propose to do such a thing at a time when we have had to impose an extraordinary war-revenue tax upon the people of the country because of a deficit in our revenue. Every man who pays his part of that war-revenue tax will be contributing to make up the loss upon the shipping business which is authorized by this bill, and of course it is an emergency measure.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. Yes, I yield.

Mr. SIMMONS. I assume that the Senator from New York does not desire to misrepresent the Secretary of the Treasury with reference to the testimony given by him about the first of September. I read that testimony very carefully last night. I think the Senator is in error when he states that the Secretary of the Treasury admitted that this whole business would be operated at a loss. At one stage of his testimony there was something said by the Secretary which might have had that construction, but later the Secretary made the positive statement that while he was satisfied a part of the ships would be operated at a loss, especially that part which were engaged on the new routes for the purpose of building up new trade, he was equally satisfied that other of these ships would be operated at a profit; and there is nowhere, I think, in his testimony anything that could be construed as a statement, taken in connection with the qualifications, that there would be a loss upon the entire operation.

Mr. ROOT. The Secretary of the Treasury says in his testimony:

It is not only a question of establishing these routes, many of which will undoubtedly have to be operated at a loss for a time in order to establish the necessary trade relationships, but the Government will also have the power to establish rates that will be advantageous to American commerce.

He says:

I think one of the essential requisites is that the Government shall have the power to establish these lines and see that they are operated in such a way, even at a loss, as to benefit the commerce of this country.

There are other expressions at various points in his testimony which leave no doubt whatever that that is his expectation.

We need not rely solely upon his expectations, but we know that as a matter of fact private enterprise operating American ships has been a losing enterprise. Upon good authority it is stated that there are, or there were a few weeks ago, 2,000,000 tons of shipping engaged in the commerce of the world under foreign flags and owned by American citizens. Why? Because the conditions of foreign commerce under the laws of the United States are such as to make profit practically impossible.

The Senator from Massachusetts [Mr. LODGE] has called my attention to a clause in the President's message where he says:

It—

That is, the Government—

It should take action to make it certain that transportation at reasonable rates will be promptly provided, even where the carriage is not at first profitable; and then, when the carriage has become sufficiently profitable to attract and engage private capital, and engage it in abundance, the Government ought to withdraw.

So the proposal is to go into a losing business, and to go into a losing business at a time when we are making up a deficit by an extraordinary war-revenue tax; and, of course, I say it can be regarded only as an emergency measure.

Now, this bill authorizes the Secretary of the Treasury, the Postmaster General, and the Secretary of Commerce to buy or build ships. How can the emergency be met? Manifestly, not by building ships. The small fleet of ships which could be procured by the use of this \$50,000,000 would require from a year to 18 months, as I am advised, to build. So that will not meet the emergency. The emergency is the prevalence of high rates for the carriage of American produce to Europe. There is no emergency anywhere else.

It is true all the steamers in the world that are free are coming in to get the benefit of those high rates, and the ordinary working of economic laws is sure to bring the rates down. But for the moment there is the emergency, and but one emergency, and that is high rates of carriage for American produce to Europe.

It is true our farmers are getting \$1.40 for their wheat, so that those high rates are paid not by us but by the purchasers abroad. It is true the export of foodstuffs has been greater within the last few months than ever before in our history. Still, there is an emergency. It is true cotton is bringing 8 cents, and the interposition of Government which was so strenuously demanded here a few months ago in order to save the cotton producers proved to be unnecessary. Still the rates of transportation of cotton are high and there is an emergency. But the emergency can not be met by building ships. We have got to buy them. Now, why?

Mr. SIMMONS. Will the Senator from New York allow me to ask him one more question and then I will not interrupt him again?

Mr. ROOT. Certainly.

Mr. SIMMONS. I have trenched probably rather much upon his patience already.

Mr. ROOT. I yield, Mr. President.

Mr. SIMMONS. The Senator says it is proposed that the Government shall go into a losing business. Does the Senator see any particular difference between the Government going into a losing business and the Government inviting private citizens of this country to go into what is admitted to be a losing business with a guarantee that by subsidies that loss will be made up out of the Treasury of the United States?

Mr. ROOT. Oh, Mr. President, I see many differences, but I am not going to discuss them here to-day. I am speaking upon an entirely different subject. I wish that I could detach the mind of the Senator from North Carolina from certain preconceived ideas which evidently possess it and get him to attend to the subject that I am talking about.

Mr. SIMMONS. The Senator was just talking upon the subject about which I asked the question.

Mr. ROOT. I have been pressing upon the Senate the emergency nature of this bill, and I had passed on to the question as to how the emergency can be met. I was saying you can not meet it by building ships because you can not get them in time to meet the emergency. You have got to buy them. Where are you going to buy them? You meet no emergency by buying ships that are already engaged in transporting our products. You meet no emergency by buying free ships.

A report of a committee of the Chamber of Commerce of New York presented to that body on the 4th of the present month makes an observation on that subject which is very pertinent and it is very good authority. This was a special committee on the American merchant marine in foreign trade appointed

by the chamber of commerce of the greatest commercial city of the country. In their report, which I shall hereafter have occasion to bring to the attention of the Senate at large, they say:

Government ownership of ocean lines can not bring to our aid a single vessel except by building. Every steamship in the world is working to-day except those interned in neutral ports. If these can be transferred to our flag without international complications, there will be no difficulty in financing the transfer of those suitable for freight carrying, for their earnings will justify the purchase.

Now, that is high authority of men who know far more than you and I know about the great complicated world-wide business of ocean freight carriage.

There is left, then, to meet the emergency nothing but the purchase of vessels which are prevented by the conditions of war from engaging in the business of transportation now. I therefore was not surprised in reading the testimony of the Secretary of the Treasury to find that he plainly contemplated meeting this emergency by the purchase of vessels which are, to use the common although not very correct expression, interned because of war risks; that is to say, the vessels which are remaining in the ports where they were found at the outbreak of the war, unable or unwilling to put to sea for fear of capture; vessels belonging to one or another of the belligerent powers.

The Senator from Massachusetts [Mr. LODGE] has called attention to the testimony of the Secretary of the Treasury upon this subject; there are but a few words of it, and I wish to call your attention to it again as a part of what I have to say. In this same hearing from which I have quoted this occurred:

Mr. EDMONDS. Will they not be able to get plenty of bottoms when they can make financial arrangements for payment for the cargo?

Secretary McADOO. I do not think so. An immense number of bottoms have been withdrawn from service.

Mr. EDMONDS. There are still quite a number of idle bottoms in New York Harbor to-day.

Secretary McADOO. The number of bottoms that are idle in New York Harbor are largely bottoms that can not be put into service now.

Mr. SAUNDERS. How would this bill add to the number of available bottoms when it proposes to make its purchases from existing bottoms? It will not add to the volume of bottoms.

Secretary McADOO. There is a large number of idle bottoms. They may be purchased.

Mr. SAUNDERS. Chiefly, are not those all German bottoms?

Secretary McADOO. More of those are idle at the moment than any other.

Mr. SAUNDERS. It has been suggested that there would be grave objection to our undertaking to purchase German bottoms.

Secretary McADOO. Why?

Mr. SAUNDERS. The newspapers make the statement that objection has come from the nations concerned in this war.

Secretary McADOO. Of course, I shall not attempt to talk of diplomatic matters.

Mr. SAUNDERS. They say that would be equal to furnishing immediate pecuniary aid—that is, to Germany?

Secretary McADOO. That is a question altogether aside, I think, from the issue. I believe that it can not be successfully disputed by any individual or any nation that this Government or any Government has a right to buy merchant ships, provided it buys them in good faith and for a neutral purpose, and that is exactly what would be done in this case.

The CHAIRMAN. If we should buy some French ships, too, that would alter the situation. In other words, if they had some, as well as Germany, that objection would not be urged?

Mr. SAUNDERS. We would not buy any French ships, because they are not to be bought.

Secretary McADOO. I infer from what you tell me, of from what you have read in the papers, that those ships, if purchased, would be purchased from the German Government. I understand that those ships are simply owned by German companies in which German citizens are stockholders. It does not follow that the proceeds of a purchase from a private corporation of that country would be turned over to the Government.

It is quite plain that Secretary McAdoo took the same view of the way in which it would be possible—the only way in which it would be possible—to utilize this legislation for the purpose of meeting this emergency that I take; that is, that the only way is to purchase these idle bottoms, to purchase these ships of belligerents which are unable to go to sea because, if they went to sea, they would be captured. It is perfectly evident that that purchase was in the contemplation of the officer who was to be the head of the shipping board, and who came before the committee of the House to explain the bill. He came, having in mind this bill as a bill which would enable him and his associates, when passed into a law, to buy those ships. In the report in the House which followed this testimony, Report No. 1149, Sixty-third Congress, second session, by Mr. ALEXANDER, submitted September 8, 1914, the committee say:

Fears are expressed that we will involve ourselves in complications with Great Britain and France if we buy German ships. That may be. The bill does not direct the shipping board to buy ships of the subjects of any particular nation. They have the widest discretion in the purchase or construction of vessels. We have no reason to believe they will act otherwise than with the greatest care in whatever they may do.

It is perfectly plain that the committee of Congress which reported the bill did it with the understanding that the bill author-

izes the Secretary of the Treasury, the Secretary of Commerce, and the Postmaster General to buy these ships, and that they were contemplating the purchase of these ships in a situation that can not be met in any other way than by the purchase of these ships.

The Secretary of the Treasury made a speech on this subject in Chicago. It is a speech, the central thought of which is one of the most amazing ever proposed by a responsible officer of the Government of the United States. While it is apart from the line of my discussion, I can not refrain from quoting it. He said:

The objection that the shipping bill puts the Government in the shipping business is not tenable. Those who urge it seem to forget that it is the duty of the Government to engage in any activities, even of a business nature, which are demanded in the interest of all the people of the country, when it is impossible to engage private capital in such operations.

Do my friends think that that proposition does not need discussion by the Congress of the United States and by the people of the United States, before the man who holds that view has unlimited millions put into his hands with which to put the Government into business?

I will return to the precise line of discussion; and that is the contemplation and the purpose to meet this emergency by the purchase of the belligerent ships that, unless we buy them, can not go to sea without being captured. In this speech the Secretary further said:

Some timid people have argued that if the Government is interested as a stockholder in a shipping company, and a ship of such company should be seized by a belligerent and brought into a prize court, the sovereignty of the Government would be involved. There is no ground whatever for this view. If the Government operated ships outright, just as it operates the vessels of our Navy, an awkward situation of this character might arise; but where a nation is merely a stockholder, or the sole stockholder, in a private corporation, its sovereignty is not and can not be directly involved if the ships of such a corporation become the subjects of litigation in a prize court concerning any issue which does not involve the Government itself. The Government would stand in relation to such a corporation exactly as any individual stockholder does to a corporation in which he is interested. A suit against the corporation does not necessarily involve the shareholders.

You perceive, sir, whenever this subject is suggested and objection is made to the purchase of these ships, it is met by an argument in favor of the purchase of the ships. This is the last argument which has come to my notice from the Secretary of the Treasury, having been delivered on the 9th of this month, after the pending bill was laid before the Senate—an argument, a lawyer's argument, by the man who is to be the head of the shipping board in favor of the power to buy the ships.

The Secretary of Commerce has said in a speech which I have not before me, delivered last Friday, I believe, at St. Louis, that he contemplated the purchase of British ships. Mr. President, there is no difference in principle, and before I get through I think I will show that there is no difference in the obstacles in the way of purchasing ships of one belligerent as compared with the ships of another belligerent.

I am not talking about this because the ships are German; I am talking about it because they are belligerent ships, and they are liable to be captured on the high seas as belligerents; they are liable to be torpedoed by submarines as belligerents; they are liable to be seized in foreign ports as belligerents; and I am alarmed by the evidences here that the proposed shipping board means to put the Government of the United States in the position of giving the protection of its flag to such ships when they sail out. German, or British, or French, or Austrian, or Russian, or what not, the objection is to the purchase of belligerent ships, and, as I have said, that objection has been met by the argument to which I have referred whenever it has been proposed to the gentlemen whom we are about to endow with these vast powers.

But there is another circumstance more potent in its effect upon my mind than the manifest necessities of the emergency which would require the purchase of belligerent ships, more compelling in my mind than the expressions of the gentlemen who are going to transact the business in favor of the right to purchase belligerent ships, more compelling even than the practical admission that that is what they have in mind, and that is the filing of an opinion by the Solicitor for the State Department in the Senate on the 11th of August last. I do not remember the exact date, but the bill to create the shipping board and to endow it with the power to build or buy ships had just been introduced in the House when, on the 11th of August, a paper was presented by the Senator from New York [Mr. O'GORMAN] in the Senate to be printed, and it was printed as Document No. 563, Sixty-third Congress, second session. That paper contained an opinion by Mr. Cone Johnson, Solicitor for the

State Department. In support of the right to buy these ships, he states these conclusions:

1. Merchant ships of a belligerent may be transferred to a neutral after the outbreak of hostilities.
2. If the sale of the ship is made in good faith, without defeasance or reservation of title or interest in the vendor, without any understanding, expressed or tacit, that the vessel is to be retransferred after hostilities and without the indicia or badges of a collusive or colorable transaction.
3. But transfer can not be made of such vessel in a blockaded port or while in transitu.
4. The transfer must be allowable under and in conformity to the municipal regulations of the country of the neutral purchaser.
5. The declaration of the London convention that transfers of an enemy vessel to a neutral during war will not be valid unless it be shown that the same was not made to evade the consequences to which an enemy vessel, as such, is exposed, if it were controlling of the question, relates only to the good faith of the transfer and not to the ulterior motive of the parties to reap the natural advantages to flow from the operation of the vessel under the flag of a country not at war, while it inverts the burden of proof of the good faith of the transaction.

That opinion was dated August 7, 1914. It was presented in the Senate August 11, four days after, almost coincidentally with the introduction of the bill, and it must stand before us as the opinion upon which this legislation finds its claim of right.

Mr. Johnson is a lawyer of character and position, a lawyer of ability, but he says in the conclusion at the close of the opinion:

This memorandum is hurriedly struck off, and I have not had time or opportunity to revise it; but it is believed that it correctly presents the status of the question involved.

Why "hurriedly struck off?" What exigency called for haste in the consideration of this vastly important subject? The answer may be found by sending our minds back to the fact that it was announced and publicly reported that it was intended to put this shipping bill through then, last summer, during the last session; and this hurried memorandum—a lawyer's opinion that it is all right to buy these belligerent ships—is the basis upon which the legislation proceeds.

Mr. SIMMONS. Mr. President, will not the Senator permit me to interrupt him once more?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. Certainly.

Mr. SIMMONS. I wish to ask the Senator if, at the time that opinion was presented to the Senate, the Senate was not engaged in the consideration of the ship-registry bill, and if it was not with reference to the ship-registry bill that that opinion was expressed?

Mr. ROOT. I do not know. I have not looked to see, and I have not cared to see, what particular thing the Senate was engaged in doing. What I do see is that in great haste, coincidentally with the beginning of this movement for the purchase of ships, there is presented to us a lawyer's opinion that we have a right to buy these belligerent ships. Therefore, Mr. President, I have come to the conclusion that the international situation is important, that it is serious, that it is our duty to consider it, and that it is my duty to discuss it.

There are two reasons which press that duty upon me with great weight. One is that I find, according to my own opinion, which is fallible, upon which I do not place, I hope, any greater weight than long experience of many errors leaves in my mind, that in the haste which for some reason or other was imposed upon him the Solicitor for the State Department has failed to consider fully the state of the law regarding which he was writing, and has been led, through the inadvertence of haste, to give radically and seriously incorrect advice upon this important subject.

The other consideration which makes me feel bound to ask for the attention of the Senate to my own views of what is the true state of the law is the fact that it happened to be my duty to give the instructions for the Government of the United States to the delegates to the London conference, and to direct their action during all the earlier part of the existence of that conference by daily cable communication, and afterwards as a member of the Foreign Relations Committee of the Senate to discuss and vote favorably upon the report of the conclusions of that conference, and afterwards, as a member of the Senate, to vote to advise the President to ratify. So, sir, when I see that under the law which I am advised we are about to pass it is the intention of the agents whom we shall constitute to buy these ships; when I see that that purpose has been formed and is liable to be executed under what I believe to be an erroneous opinion as to the state of the law and the international situation which they will meet, I feel bound to give the best I can in the

way of expressing and explaining my views of the true condition of the law.

I am going now to say something which most of you know. Some of you may not have given attention to it, however, and therefore I will state the rudiments of the case.

The London conference was a sequel of the second Hague conference of 1907. At this second Hague conference the delegates of the United States, under the instructions of their Government, pressed strongly for the creation of two judicial tribunals which should pass upon international disputes. One was an international prize court, made up by the representatives of different nations, which should pass upon questions of prize—just such questions as are arising now—so that instead of going to the courts of the captor country, which apply the law of that country, with the disadvantages that a claimant naturally has in going into the country of the captor and arguing his case before a branch of the government that has captured his ship, he would go to an impartial tribunal, selected from the various countries of the world. That court was created by a treaty called "the prize-court treaty." The other court was a general judicial tribunal which should pass upon all justiciable questions arising between nations, to be composed of judges who should devote their entire time to it, and be paid adequate salaries, and be a really judicial tribunal. That court never has been constituted, although provision was made for it.

It was not constituted because there could not be an agreement upon the way of appointing the judges, but the prize-court treaty was signed, and that has been ratified by the United States. That is to say, the Senate has advised and consented to its ratification. But when it came to the ratification of that treaty by European powers, there arose a question as to what law the court would apply, and it seemed to many representatives of different European countries that there was a long list of disputed questions that a prize court would have to pass upon, and that in order to make the court effective there must be some agreement upon the law they were to apply—questions relating to blockade, relating to contraband, relating to continuous voyages, relating to the transformation of merchant ships to warships, relating to the transfer of ships from a belligerent to a neutral flag—and accordingly Great Britain called a meeting of the representatives of the chief commercial powers of the world, to be held in London in December, 1908.

That meeting was attended by the representatives of Great Britain, France, The Netherlands, Germany, Austria, Italy, Spain, Russia, Japan, and the United States. I think I have enumerated them all. There were 10 of them. They discussed these difficult questions. There was long discussion upon the question which is raised by the proposal to buy these belligerent ships—that is, the right of transfer of a vessel from a belligerent flag to a neutral flag. The conclusions to which the conference came upon that subject were stated in these words:

TRANSFER TO A NEUTRAL FLAG. ARTICLE 55.

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed.

Then follows a clause which is not pertinent here, and the article proceeds:

Where the transfer was effected more than 30 days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer.

Then there is a clause not relevant here, and then follows: *

ART. 56. The transfer of an enemy vessel to a neutral flag effected after the outbreak of hostilities is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

Then follow some clauses not relevant here.

You have there, sir, three situations stated:

First. If the transfer is effected before the beginning of hostilities it is valid unless it is proved that the transfer was made in order to evade the consequences to which the enemy vessel, as such, is exposed.

Second. If the transfer was effected more than 30 days before the opening of hostilities, there is an absolute presumption that it is valid, even though it was made in order to evade the consequences to which an enemy vessel, as such, is exposed, provided it is unconditional, complete, and there is no interest reserved. Of course, the declaration that a transfer more than 30 days before the outbreak of hostilities is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, neither the control of nor the profits arising from the employment of the vessel remaining in the same hands

as before the transfer, carries by necessary implication the declaration that a transfer made less than 30 days before the opening of hostilities is not valid, although all those conditions exist, provided it was made to evade the consequences to which an enemy vessel, as such, is exposed.

The third situation is a transfer after the outbreak of hostilities, where the transfer is void, unless it is proved that it was not to evade the consequences to which an enemy vessel, as such, is exposed.

It is the opinion of the Solicitor, who has given that opinion to the State Department, as it has been communicated to us, that these provisions of the declaration of London do not involve any question as to the motive with which the transfer is made; that when the declaration says the transfer shall be valid before hostilities unless it is proved that it was made in order to evade, and that it shall be invalid after hostilities unless it is proved that it was not made in order to evade, it involves no question of motive. *Prima facie*, one would say that that is all motive; that there is nothing but motive in that provision. A thing done in order to evade is done with the motive of evading. There would seem to be nothing but motive in this; but the Solicitor does not think so, and he has advised to the contrary.

Now, sir, the question may arise, and naturally would arise, Why should we discuss the declaration of London? Why should the Solicitor have given an opinion upon the declaration of London? It has not been ratified. The Senate has advised and consented to its ratification, but before the documents of ratification were ever deposited the war came, and it never has been ratified. The reason why the declaration of London is subject to consideration although we are not bound by it is that England and France and Russia have adopted it with some modifications not touching this subject as their law for the present conflict.

Let me repeat, for the purpose of making myself clear, we are not bound by the declaration of London because it has not been ratified; that is, we are not bound by it as a convention, as an agreement, whatever effect the steps which led to it may have upon the propriety or wisdom of our conduct. The convention which embodied that agreement has not become a binding convention among the nations of the earth. It receives its importance because England and France and Russia have, by express provision, made it the law of those respective countries, and Germany, in an order to which I shall call your attention later, has in substance done the same thing. Her law for this war in somewhat different phrase, but with the same effect, is made to conform to the terms of the declaration of London which I have read.

It may be fortunate for us, fortunate for all who wish to secure freedom of trade, that this is so, because when the Conference of London met in December, 1908, there was no rule of international law regarding the transfer of a vessel from a belligerent to a neutral flag. International law requires the general acceptance of nations, and there had been no general acceptance of any rule by the nations of the earth.

The first thing that was done in the conference was to call for a statement from the different countries regarding their position upon the various disputed points that the conference sought to settle, and I call your attention now to the rules which were stated by the principal countries concerned in the present war.

I read from the proceedings of the International Naval Conference held in London, December, 1908, to February, 1909, printed by the British Government and called "Miscellaneous No. 5, 1909."

I will say that this report of the proceedings has never been translated from the original French. It is not open to access generally, and I think it must have been that the Solicitor in the haste of preparing his opinion has failed to observe the contents of this report, which gives the proceedings, the discussion, and conclusions reached from time to time by the conference. I am sure that if he had read this attentively he would have come to a different conclusion.

I call your attention now to the rules of national law stated by these different nations at the opening of the conference, for that is the background to which we have to go.

France. The change of nationality of ships of commerce effectuated after the declaration of war is null and of no effect.

Russia. The belligerents have the right not to recognize the neutral character of every ship of commerce purchased by neutral citizens from an enemy's state or one of its nationals unless the new proprietor proves that the acquisition had become definitive before he had knowledge of the commencement of the war.

Germany. The neutral or enemy character of a ship of commerce is determined by the flag that it carries. A ship flying a neutral flag will nevertheless be treated as an enemy ship if up to the opening of hostilities or within the two weeks which have preceded it has carried the enemy flag.

There are France, Germany, and Russia. Great Britain and the United States presented an entirely different rule, the rule of complete transfer and good faith. The Solicitor for the State Department has substantially stated what the American rule has been and what the British rule has been, subject to some modifications which it perhaps was not necessary that he should state.

In the conference these two different views confronted each other, the view of France and Russia and Germany that a transfer after the opening of hostilities was void and the view of Great Britain and the United States that a transfer made complete and in good faith would be recognized.

Mr. President, there being no rule of international law, each country applies its own law in such cases. Indeed, when a capture is made it is always made under the law of the captor. That is our law. Our Supreme Court has decided it. It is the municipal law of the captor that is in force when the capture is made.

The courts of England and America have said that the law of nations is a part of the law of the country, and we enforce the law of nations. But here there was no law of nations because no rule had ever been accepted. So as the law stood when this conference opened, if there had been a transfer of a merchant ship from the flag of a belligerent to the flag of a neutral any time after the opening of hostilities the armed ships of France, of Germany, and Russia would have ignored the transfer and treated the vessel as an enemy vessel, notwithstanding the transfer.

Mr. President, that was the law of France when her navy rendered us a service more memorable than any other that one nation ever rendered to another and held the mouth of the Chesapeake and made the surrender at Yorktown possible. That was the law of France then and for all the century and more that has passed. That was the law of Russia on that never-to-be-forgotten day when her fleet sailed into the harbor of New York during the Civil War. That was the law of Germany, whose ships are lying unable to proceed to sea in the harbors of New York, Boston, Philadelphia, and other ports. There was no escape from the capture of any vessel from one of these belligerents by the cruisers of another belligerent which may chance to meet her, notwithstanding the transfer to the American flag, except to compel these great nations to abandon the law they have held for generations.

Mr. WILLIAMS. I should like to ask the Senator from New York a question, if he will yield for that purpose.

Mr. ROOT. Certainly.

Mr. WILLIAMS. Notwithstanding the fact that this was the law of Russia and of France, and it has been the law of those two nations for a long time, have they not agreed during the present war to adopt the declaration of London as their law?

Mr. ROOT. Mr. President, I have already stated that.

Mr. WILLIAMS. Then if that be true—

Mr. ROOT. I beg the Senator not to draw me on by leading me into a discussion of questions, however interesting they are, which arise in his mind, because if I do what I think I ought I have got to go through a rather complicated subject. As I have already said, the significance of the declaration of London is that these countries who started with these perfectly strict and unyielding rules have adopted the declaration of London as their rule for this war.

Mr. WILLIAMS. And have modified their old position to that extent.

Mr. ROOT. They have modified their old position to that extent. So, although the declaration of London is not binding upon us as a convention, although it was never ratified, if we undertake to protect our flag upon a ship purchased from a belligerent we are driven to the declaration of London as the basis on which we must proceed. The old law was much more strict and unyielding than the declaration is, and that is why the Solicitor for the State Department was quite right in giving his opinion regarding the meaning of this provision of the declaration of London, and that is why I am going on to discuss that meaning. I have taken so much time because I have frequently observed the statement about the declaration of London, that it is not binding; that it was not ratified. If we could not have recourse to that declaration of London, these old rules are the only thing we would meet.

We have then reached this position, that these belligerent powers—England, France, Russia, and Germany—will enforce the provision of the declaration of London, and if we object to their enforcing that we come against still worse rules for neutral trade, that is, the old rules which three of them stated at the beginning of the conference. So their adoption of the declaration of London is an advantage to us of which we must avail ourselves so far as practicable.

When the different countries had stated their position regarding the transfer of the flag there was a statement prepared for the use of the conference which undertook to formulate certain propositions for discussion, basing those propositions upon the varied statements of rules by the different countries, and the basis which was formulated for discussion regarding the transfer of the flag I will now read. This is basis 35:

A ship can not be transferred to a neutral flag in order to escape the consequences which its quality as an enemy ship draws upon it.

36. The transfer effected before the opening of hostilities is valid if it has come about regularly. That is to say if it involves nothing fictitious or irregular which renders it suspicious.

37. After the opening of hostilities there is an absolute presumption of knowledge of the transfer which is effected while the ship is in the course of a voyage.

Upon that they proceeded to a discussion. After the discussion proceeded for a considerable time these statements were made by the representatives of Germany and Great Britain. Mr. Kriege, the very able and experienced adviser of the German Foreign Office, who was the representative of that country at this conference, said:

We are in accord with the authors of the summary upon the principle that a ship can not be transferred to a neutral flag with a view to escape the consequences which its quality as an enemy ship draws on it, but in the point of view of existing rights and for considerations of practical order we wish to see adopted the system of our memorandum which would have the double advantage of facilitating the task of commanders of cruisers and of avoiding consequences to neutral commerce.

Mr. Crowe, one of the English delegates, explained the principle that was intended to be expressed in basis 35—that is to say, "that a commercial man subject of a belligerent State ought not to escape the consequences of war while transferring his ships under a neutral flag, but the application of this principle it is difficult to find among the memoranda by a rule precise and generally recognized."

There you see that the German and the English representatives were drawing together upon the rule which looked not so much to what we would call good faith as to the purpose for which the transfer was made.

A short time after Mr. Kriege, the German representative, stated with great lucidity the actual point of difference which had been reached by the conference. I read from page 183 of this publication of the proceedings:

Mr. Kriege exposed the manner in which, according to him, this question ought to be treated in the basis of discussion. This exposé, with the motives which have inspired it, is found treated in Annex 73.

A formal paper which he presented. I call your especial attention to it because it was a formal paper and has a very important bearing upon determining the meaning of this declaration. In this paper he says:

I desire to call the attention of the commission to a divergence which appears to exist between the proposition of the United States of America on the one part, and, upon the other part, the propositions of Great Britain and Germany.

Remember that our representatives and the British representatives had presented a rule which called for good faith in the transfer, and now he says:

This is a question of the meaning of the term "good faith." The propositions are all three, in accord to prescribe that the transfers made during a war or immediately before a war are to be made in good faith.

Only it seems that, in the idea of the delegation of the United States of America, the good faith would exist if the agreement relative to the transfer was genuine and definitive and involved nothing fictitious or irregular. On the other hand the German and British propositions understand by good faith the absence among the motives of the transfer of the intention to withdraw the ship from the effect of the right of capture.

• You perceive that is precisely what Mr. Johnson in his opinion says does not exist in the declaration. Let me read it again:

On the other hand the German and British propositions understand by good faith the absence among the motives of transfer of the intention to withdraw the ship from the effect of the right of capture.

In the sense of these propositions as according to the original text of Basis 35 the transfer would be null and without effect from the moment when it should have been induced by the desire of the vendor to put himself under protection from the loss which the confiscation of the ship would inflict upon him. The transfer would be, on the contrary, recognized as valid when there was ground to believe that it would have been effected also if the war had not arisen or had not been imminent at the moment of the conclusion of the contract.

After that presentation of the precise point in difference which had been reached between the delegates of the United States on the one hand and the delegates of these other powers, including England and Germany, on the other hand, the subject was submitted to a drafting committee to endeavor to formulate a rule which would be satisfactory, and I now wish to call your attention to the report of that committee. I will say, in order to indicate the materiality of the report, that it contains the rule which now appears in the declaration. It was presented in the ninth session of the commission—that is, with the con-

ference sitting as in committee of the whole—on the 6th of February, 1909. I read the record of proceedings:

The delegation of the United States of America made a reserve on the subject of the first article of the rule—

Which was reported upon the transfer of a flag, and the committee of the whole, the commission, adopted the report with the understanding that the part to which the American delegates objected, upon which they made their reserve, was to be reconsidered, and not deemed as adopted. That reserve of the American delegates appears on page 290 of these proceedings. By reference to it we find that it related not at all to the transfer of the flag after the opening of hostilities, but related solely to the transfer of the flag before the opening of hostilities. They say:

The American delegation regrets to find itself obliged to make a reserve upon the first article of the regulation relative to the transfer of flag. It considers that a rule which says, "The transfer to a neutral flag of an enemy ship before the opening of hostilities is valid, unless it shall be established that the transfer has been effected with a view to escape the consequences which the enemy character of the ship draws upon it," is not in accord with the spirit of modern rules adopted at The Hague concerning war, which have for their end to guarantee the security of international commerce against the surprises of war and wishing, conformably to modern practice, to protect as much as possible the operations engaged in in good faith and in course of execution before the beginning of hostilities.

The report was reconsidered upon that reserve. You perceive the American delegates accepted the rule which related to transfers after the beginning of hostilities, but objected to the rule relating to transfers before. A compromise was made. Under that compromise a new provision making a distinction between transfers 30 days before and less than 30 days before the opening of hostilities was made. Upon that our delegates agreed; that is to say, they got a rule which made all transfers more than 30 days before the war valid if they were real; they got a rule which made all transfers at any time valid if they were not made with the motive of avoiding the risk of war. Before 30 days they were valid, even though they were made with that motive; after 30 days they were valid unless they had that motive. On that they agreed.

When the drafting committee came to make its report to the committee of the whole, there was a full discussion of the question which Mr. Kriege had brought up by his very lucid statement of the different views as to what constituted good faith. That report leaves no doubt as to the meaning of this regulation, and no doubt whatever that the advice which has been given to the State Department and communicated to us as a basis for this legislation is erroneous. The report says—I read from pages 326 and 327 of the proceedings of the conference, translating, I hope, with substantial correctness.

The report has just stated the rules as I have read them, the rules as they were finally adopted. The report says of those rules:

The validity of the transfer is at the beginning subordinated to the accomplishment of certain judicial conditions, having for their object to show that the proprietor has been divested in a definitive manner and without reserve of his title to the ship over which he should preserve no control. If these conditions have not been fulfilled, for example, if the effect of the transfer has been subordinated to the eventualities of the war, the transfer is presumed to have taken place with the intention of shunning the consequences of the war, and it is declared null.

This is simple. Behold the difficult point. All the juridical conditions have been fulfilled; but the captor is able to establish that the transfer, regular in substance and in form, has been effected with a view to escaping the consequences which the enemy character entails. Will he be permitted to make this proof in order to arrive at the result of declaring the transfer void, or will the intention of avoiding the consequences of the war result only from the failure to accomplish the juridical conditions? It has appeared doubtful to some. It has been recalled that the condition of good faith was exacted in a distinct manner, independently of juridical conditions, and that so, even if these conditions were fulfilled, one could prove that the sale had been made in bad faith; but how is this to be understood? It is a delicate point. The captor evidently will not view "good faith" in the same manner as the vendor. The vendor will consider that he acts honestly if he divests himself regularly and definitively of his ships, because he does not wish to run the risk of losing them by the exercise of the right of prize. The captor will think that there has not been good faith in wishing to escape from the consequences of war. If one considers the simple juridical interpretation, it seems, indeed, that a prize court, in the presence of the proposition reported above, would hold the transfer valid because the juridical conditions had been fulfilled, and would not place itself in the point of view of the captor in order to consider if there had been good or bad faith.

The majority of the committee did not accept this result, and accordingly, desiring an unequivocal formula, the following has been adopted:

The transfer to the neutral flag of an enemy ship effected before the opening of the hostilities is valid, unless it should be established that the transfer has been effected with a view to escape the consequences which the enemy character entails.

There, Mr. President, is a statement as plain as words can make it, that the terms which are used in the rule embraced in the declaration were substituted for the words "good faith" that our delegates were pressing for, in order that the inten-

tion to escape the consequences of the right of capture should be a separate and substantive ground for invalidating the transfer. There is no escape from that. There is no man here who could state with greater certainty and lucidity the purpose of the rule than it is stated in this report by Mr. Renault, the greatest of living teachers of international law, and the official adviser of the French foreign office.

That report of the drafting committee was adopted by the Committee of the Whole; it was made by the Committee of the Whole to the conference in plenary session, and it was adopted by the conference. If the conference could have heard read the advice given to our State Department and laid before the Senate as the basis of this legislation, it could not have controverted the conclusion of that advice in more positive and more unambiguous terms. I can find no words in which to show that the Solicitor for the State Department was wrong in his advice so clear as the words of Mr. Renault in this report.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from New York yield to the Senator from Utah?

Mr. ROOT. Certainly.

Mr. SUTHERLAND. I understand the Senator from New York to have shown that in addition to there having been payment in consideration and bona fides, in the usual meaning of that term, it must also appear that the ship was not transferred in order that the capture of it might be avoided. If it should turn out that the vendor transferred it with that desire; that is, that he transferred it in order that it might not be captured, and the vendee did not participate in that intention, would that be sufficient to meet the requirements of the rule, or does it require that there should be a participation on the part of both the vendor and the vendee in the desire to avoid capture?

Mr. ROOT. Clearly, Mr. President, the motive is a motive which is ascribed to the vendor. It is he who is seeking to take his ship out of the danger of capture; it is he who will substitute the valuable consideration that is necessary in place of the vessel that he can not use except at the risk of capture. The vendee prior to the transaction has no motive whatever in regard to the ship. It is the owner of the ship who escapes from the effect that the enemy character of the ship brings upon it.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. ROOT. Certainly.

Mr. WALSH. The distinguished Senator has been giving us the propositions upon this important question submitted by the representatives of the various nations in response to the suggestion of the British Government. As I recall, a statement came from France as well as from Germany. Will the Senator kindly advise us whether the American delegates stated for the benefit of the conference, in response to the invitation, the position of our Government?

Mr. ROOT. Mr. President, the American delegates did not upon this point present any memorandum as to the position of the United States at the outset, but shortly after the discussion began they did present a statement of their views.

Mr. WALSH. They were called upon to make a formal statement of the position taken by their Government, together with the authorities which they desired to submit in support of the view taken. Will the Senator, who then was Secretary of State, advise us as to why our delegates did not comply with that request?

Mr. ROOT. Because the delegates of the United States presented, as the basis of their position upon the whole range of questions the naval war code and discussions of the Naval War College, and it was deemed wiser, as those discussions covered the entire range, not to attempt to commit them to any more definite and precise statement.

Mr. WALSH. Are we to understand the Senator, then, that they did not make a definite statement on any of the seven propositions submitted by the Government of Great Britain?

Mr. ROOT. I do not remember about the others; I have not examined the facts as to them.

Mr. WALSH. Very well. Will the Senator have the kindness to advise us in that connection if the delegates from Austria-Hungary made a statement as to the position of their Government, and, if it is brief, will he give it to us?

Mr. ROOT. They made a statement, and the representatives of various other countries made statements. The delegates of Austria-Hungary made a statement which was much

nearer in its view the position of Great Britain and the United States than it was the position of France and Russia.

Mr. WALSH. My recollection is that the delegates from Austria-Hungary made a statement to the effect that the French doctrine was entirely obsolete and had been disregarded by France.

Mr. ROOT. They did not go so far as that. They said in their statement that it was too strict, and that France had modified it or varied from it in the war of 1870; but we can hardly take the statement of Austria-Hungary regarding the position of France as against the formal official statement of France herself.

Now, I want to give credence to what I have said about what happened in this conference by reading from a distinguished publicist, a professor in the University of Vienna, Prof. von Ferneck, who was one of the Austrian delegates to the conference of London. I read from an article by him in the *Handbuch Des Völkerrechts*, for 1914. He says, in chapter 5, under the heading "Transfer of the Flag":

It may well be said that this subject, which is perhaps of much less importance to neutrals than that of contraband or of blockade, was the object of extraordinary attention on the part of the conference.

Omitting some irrelevant remarks, he proceeds:

For some time it seemed as though an unanimous solution of this question could not be reached. The reason for this was that the interests in the subject on the part of the powers represented at the conference were of a widely differing character, and that the laws and the customs of different States are dissimilar in important respects. The United States of America, France, Italy, The Netherlands, and Russia recognize without exception the transfer of enemy merchant ships to a neutral flag when the transfer is completed before the outbreak of the war; Germany, France, and Russia declare without exception as null and void any transfer of flag made after the outbreak of the war—these are strict, uncompromising solutions that may indeed be understood from a theoretical point of view, but in practice lead to difficulties.

Several of the powers, among them Great Britain, the American Union, and Germany insisted that in order to be valid in law, the transfer must have been intended in "good faith," and according to the American interpretation "good faith" meant not fictitious, while the other powers understood by "good faith" that the owner himself must not have intended to make it impossible for the opponent to seize the ship.

You will perceive that that answers the question put by the Senator from Utah [Mr. SUTHERLAND], and it states in few words just what Mr. Renault's report says.

The other powers—

Says Prof. von Ferneck—

understood by "good faith" that the owner must not have intended to make it impossible for the opponent to seize the ship.

And so, as Mr. Renault's report said, in order that they might have an unequivocal expression, because there were these two views of "good faith," they put in a rule which states in so many words the second view, according to Prof. von Ferneck, that "the owner must not have intended to make it impossible for the opponent to seize the ship." He proceeds:

By a remarkable argument, the American delegation controverted the idea that the shipowner could not protect himself against the prize law by transferring his ship to a neutral flag.

At the second session of the commission, the delegates were evidently eager to reach an agreement that would avoid the harshness of the consequent enforcement of a principle: The transfer of the flag effected before the outbreak of the war should be regarded as valid, the transfer after the outbreak of the war as invalid; in both cases the presumption might be refuted by counter evidence. In the course of the third meeting of the commission the question regarding the elaboration of "special rules regarding the transfer previous and the transfer subsequent to the opening of the hostilities" was referred to the investigating committee. This committee made its report at the ninth session of the commission. The rules which this committee had elaborated met the idea of the agreement, but did not meet with the full approval of the American delegation, for the reason that they did not take into account the thought developed in the declaration referred to above. In order to overcome this difficulty, the representatives of Great Britain proposed at the eleventh session of the commission "in the interest of neutral commerce" to add the following: " * * * there shall be absolute presumption of validity, if the transfer was effected more than 30 days before the opening of the hostilities, provided it is in absolute and complete conformity with the laws of the countries interested, and has for its object that the control over the ship and over the earnings resulting from its use does not remain in the same hands that exercised this control before the transfer." To this the American delegation agreed; it yielded in principle, but obtained a practically important concession: The question of "good faith" might be raised only with regard to such ships as were transferred within the last 30 days before the outbreak of the war.

I find, Mr. President, that Italy upon two occasions since the Conference of London has applied the rule. In the *Revue Générale de Droit International Public*, of September-October, 1913, there is a report of the case of the sailing vessel *Vasilios* and of the sailing vessel *Aghios Georgios*, Greek ships, or ships flying the Greek flag, which had been Turkish vessels at the opening of the war between Italy and Turkey, and had been sold to a Greek citizen, admitted to Greek registry, and were flying the Greek flag. The ships were seized, con-

demned, and sold. So that we may add Italy to the powers which have adopted this rule of the Declaration of London.

Germany has put herself upon the same basis, in terms which leave no possible doubt. I read from Prize Ordinance of September 30, 1909, published in the *Law Gazette of the Empire* for 1914, No. 50:

I approve the accompanying prize ordinance, and direct that in the enforcement of the prize law my fleet commanders shall, during the war, proceed in accordance with the provisions of the prize ordinance. In so far as it may be necessary to make exception thereto in special cases, you shall make proposition to that end to me. I empower you to give such interpretation to this ordinance and to make such changes thereto as may be necessary, provided they are not of fundamental importance.

(Signed)

WILHELM.

In the absence of the Imperial Counselor.

(Countersigned)

V. TIRPITZ.

Dated September 30, 1909. Promulgated at Berlin, August 3, 1914, the date of the beginning of the war.

The ordinance, Section II, is as follows:

Enemy ships and their cargoes.—With the exceptions specified under 6—

Which are not relevant here; they relate to cartel ships, hospital ships, etc.—

With the exceptions specified under 6, enemy ships are subject to capture.

Ships are adjudged enemy or neutral ships by the flag they are entitled to carry.

The flag which a ship is entitled to carry is determined in accordance with the flag law of almost all maritime states from an official document that any merchant ship must have on board.

If the nationality of a ship can not be readily established, and especially if the document required in accordance with the flag law of the respective state is not in evidence, then the ship shall be considered as an enemy ship.

Ships that after the outbreak of the hostilities have been transferred from the enemy to the neutral flag are also to be considered as enemy ships.

(a) If the commander is not convinced that the transfer would have followed, even if war had not broken out, as, for instance, by succession, or by virtue of a construction contract.

(b), (c), and (d) pertain to matters which are not relevant.

That points to the German understanding of the rule; and I will say that in the final report of the London conference, which is printed in this document containing the solicitor's opinion, an illustration is given of the meaning of the rule—that is, for instance, "in case of inheritance."

Applying these illustrations, the rule becomes plain. The ordinary trade in ships is not to be prevented. Trade in the ordinary course of business is not to be prevented. The ordinary devolution of property is not to be interfered with. If the owner of a ship belonging to a belligerent dies, the property may devolve upon a neutral. The rule does not prevent it, and the neutral flag will protect it. If you or I have ordered a ship from a shipyard in Germany or Great Britain, and the ship is constructed, and we take it, if the ship was ordered before the war and the transfer was made after the war that transfer is manifestly in the ordinary course of business, as the German rule says, under a construction contract. But none of these great nations will permit a citizen of an enemy to rob it of its prize by transferring to a neutral the ships it is entitled to capture on the high seas.

Mr. President, we are not bound by that; but that is the state of the law of England, France, Germany, Russia, Italy, and I presume the allies of these countries, and that is what we have to run up against if we buy these belligerent ships; for of course no one will contend for a moment that the Hamburg-American Line or the North German Lloyd Line is selling its ships in the ordinary course of business, or for any reason other than that they can not go out on the ocean and carry on their business, and no one would doubt it if we were to buy a British ship and put it in the Bremen trade or the Hamburg trade. There can be no purchase now of ships that have been lying idle six months, under the conditions of this war, that is not stamped with a purpose that invalidates the transfer under the rule of the declaration of London equally with those old and more severe rules which were presented at the beginning of the conference.

But, Mr. President, I have been considering this subject as if an American citizen were to buy. I have said about that, that we are not bound by the rules of these countries. We are at liberty to say: "Our rule is different, and we insist upon its being applied." I have always believed in that rule, sir. I believe in it now. I instructed our delegates to the Second Hague Conference to urge upon the conference the immunity of all private property at sea in time of war. Our delegates fought loyally for the rule which our courts applied, and which is in furtherance of that beneficent and liberal rule. But there is the law of Europe, and against that we will come; and I repeat, it is their law that will be enforced in the treatment of this subject. We should be left to protest and attempt

to get them or some court of arbitration to abandon their rule and adopt ours. How easy it would be, sir, for us to bring that about through the voluntary action of any country or the action of any court of arbitration, in view of the fact that they have adopted the rule of the declaration of London to which our delegates finally agreed, to which our Government agreed in sending it to the Senate for ratification, and to which the Senate agreed by advising and consenting to the ratification, I shall not discuss.

But, says the Secretary of the Treasury, the Government of the United States could not be involved in any difficulty if it were to buy these ships—that is to say, if this proposed corporation were to buy the ships:

Some timid people have argued that if the Government is interested as a stockholder in a shipping company, and a ship of such company should be seized by a belligerent and brought into a prize court, the sovereignty of the Government would be involved. There is no ground whatever for this view.

I am sorry to write myself down in the category of timid people, but I must, for I do not agree with the Secretary of the Treasury in the idea that there is no ground whatever for this view, and I am filled with apprehension by the idea of putting these vast powers into the hands of a man who thinks there is no ground whatever for that view.

A question was put to the counselor of the State Department, Mr. Lansing, before the Committee on Naval Affairs of the House. I read from the hearings on Senate bill 5259 and H. R. 5980, dated August 20, 1914:

Mr. WILLIAMS. The first question that we want information on, as a legal proposition, is the liability that would attach to this Government if the Government itself was operating a line of steamships engaged in the transportation of goods to South America and to European countries compared with the liability of a steamship company or an individual engaged in the same business. Can you give us some information along these lines?

Mr. LANSING. I suppose you refer to neutrality and to the question of contraband?

Mr. WILLIAMS. Yes, sir.

Mr. LANSING. I think that the transportation of contraband to a belligerent port in a public ship of the United States would go much further than the mere matter of liability, and that it would be regarded as an unneutral act.

Mr. WILLIAMS. That the United States transporting goods to English, French, or German ports would be a violation of neutrality?

Mr. LANSING. I think it might be so regarded.

That is what we have to deal with. That is what the Secretary of the Treasury does deal with in the words I have read from him. He says:

If the Government operated ships outright, just as it operates the vessels of our Navy, an awkward situation of this character might arise; but where a nation is merely a stockholder, or the sole stockholder, in a private corporation, its sovereignty is not and can not be directly involved if the ships of such a corporation become the subjects of litigation in a prize court concerning any issue which does not involve the Government itself. The Government would stand in relation to such a corporation exactly as any individual stockholder does to a corporation in which he is interested. A suit against the corporation does not necessarily involve the shareholders.

Mr. President, that is not the law as it has been understood by the Government of the United States, or as it has been applied. In the *Delagoa Bay* case our Government went straight through the legal fiction of a Portuguese corporation and asserted and enforced the rights of American citizens who were stockholders of that corporation precisely as if they had been the owners themselves. The British Government did the same thing in the same case. Time and again the rule which was established in that case has been applied to the affairs of these legal fictions which give to the real owners of property the municipal right of succession and limitation of liability and the use of a corporate seal, etc. Of course, Mr. President, it stands to reason that a municipal statute giving to A and B and C rights to sue and be sued in corporate form and to have limitation of liability and to act through a seal are no concern of another Government if A and B and C, through that form, have injured or affected the rights of that other Government. The idea is idle and baseless that the Government of the United States, by the exercise of its vast national power, can wrest enormous funds from its people by taxation, can use those funds to withdraw from Germany's right of capture British ships and from France's and Great Britain's right of capture German ships, and say:

I can not be called to account because I have made a statute under which I protect myself by a legal fiction, calling myself a trading corporation.

Ah, no! the real and serious affairs of this world are not conducted in that way. Whatever we do through this corporation that we create and own, we do as a government, and are responsible for as a government.

In the case of the *Parlement Belge*, which was referred to the other day by the Senator from Massachusetts [Mr. Lodge], the courts of England were called upon to consider the effects of government ownership. The Government of Belgium owned

a boat plying across the channel from Ostend to some British port, much like our municipal ferries, and the question was raised, that being a trading boat engaged solely in trading operations, whether it was to be treated as subject to the laws relating to trading ships or was to have the immunities which pertained to government ships. The court below held that it was subject to the laws relating to trading ships. The court above reversed the decision, and held that, being the property of the Government of Belgium, it was immune from the English laws relating to trading ships. The reality of things, sir, prevents us from escaping by any possibility from responsibility for the use of our national power to withdraw any belligerent ships that we may now purchase from the right of capture on the part of the other belligerents, whether we proceed by the fiction of a corporation or directly.

There is only one possible escape from the condemnation and forfeiture of a prize court for every ship of this kind that is purchased. That is the possible protection of the sovereignty of the United States, preferring to occupy the position of violating neutrality rather than to submit to condemnation.

What is the meaning, sir, of the violation of neutrality? It means taking sides in the controversy. It means helping one belligerent against another. It means that after all our proclamations and our efforts we abandon the attempt to be neutral, and we take sides in the great conflict; and we can not stop. We can not measure the number of steps. One unneutral act by us will lead to acts by others that will compel further acts by us, more acts by others and more by us and more by them, until we are in the thick of the controversy.

Remember, sir, the condition of the world to-day. I am arguing against the Government of the United States buying, not a ship, but an international quarrel with every ship. Somebody said to me: "It is buying a claim, not a ship." No. It is buying a quarrel, not a ship; and I say, remember the condition of the world. Recall to your minds all that you have read during the past six months of the condition of feeling on the part of the people in all these countries—England, Belgium, France, Germany, Russia, Serbia, all of them—tense to the highest degree, in that condition of exaltation which holds prudence for naught.

Why, sir, we were ready to fight, from Mason and Dixon's line to Canada, on the instant, when Mason and Slidell were taken from the *Trent*, and Great Britain mobilized her fleet. It was ruin for the North if we fought—certain ruin. We could not stand against the gallant South and against mighty England. Our blockade would be gone; but we were ready to fight, because every heart of the North was full of emotion, and every nature was tense with feeling, and we cared naught for prudence. That is Europe to-day.

If we are going to maintain our neutrality we must hold close to it, and keep out of all needless causes of controversy. And let us remember ourselves. We have kept, hitherto, a united America. We have stood behind the President in his neutrality proclamations. Here and there fault has been found on one side or the other, but we have stood by him; but do not forget that there are here millions of Germans who love their fatherland, and I honor them for it. I should think less of them if their natures were not awakened by the peril and the stress of the land that gave birth to them and their fathers. They are alive and tense. There are millions of men of English blood, born and bred with a love for Anglo-Saxon liberty and the laws that we inherited from England. Do not imagine that they are not thinking and feeling, and if you precipitate this country into a controversy where Europe feels and acts upon the feeling that we have taken sides we will rend ourselves.

No; the only safe course is to keep out of unnecessary controversial questions with as great care and conservatism and caution as possible, for we never can tell where a controversy will lead us.

Mr. President, I deeply regret that any shade of party politics has fallen upon the consideration of this measure. We have in the Senate long felt that it was our duty to lay aside party when we reach the water's edge. We have considered the terms of treaties and advised the President, of whatever party, in accordance with the best of our judgment and our conscience. When we have reached the water's edge we have said we leave party.

This bill proposes a business which is all beyond the water's edge—international in its aspect and in its purpose. It is international at a time of intense emotion and certain controversy. I wish we could have considered it—I wish we could consider it now—as Americans earnest for the peace and prosperity of our country, forgetful of party.

Mr. President and Senators, there is no crime against our country so wicked as the crime of conducting our international relations with a view to party popularity. The two considerations are incompatible and can not exist at the same time in any mind. He who has charge of our foreign affairs must deal with them regardless of the effect upon his political future or his party's advantage or he can not deal with them as the public safety demands. The man who is considering his political future and his party's advantage should keep out of foreign relations. The two can not coexist.

One incident for which I impute blame to no one has recently happened which illustrates what I say. The note that was sent by our State Department to Great Britain a short time ago regarding the search for contraband, endeavoring to remedy serious evils of delay and perhaps indifference in making the search for contraband, which is admittedly the right of belligerents, was a moderate, a reasonable, and a proper note. No one in the world had a right to find fault with it. But before the note was delivered in Great Britain and before it was made public here the newspapers were filled by somebody, I do not know whom, with an account of it, far, far from the truth, with an account of it which pictured the administration as standing up against frightful odds and dreadful danger for a view of American rights which no serious student of international law ever thought of asserting and which the note did not assert. Both this country and England were filled with an erroneous view of that note and that erroneous view persists. It could have been given for no other purpose than a political purpose and it was a crime against the American people and against the peace of the world to misrepresent it.

I will not proceed. I will not specify or illustrate further. I will close what I have to say by expressing the most fervent hope that we may deal both in this great deliberative body and in the executive department of the Government with this serious, grave question as lovers of our country with all the wisdom and experience and ability that we can bring to our country's service.

Mr. WILLIAMS. Mr. President, it is seldom that the Senate of the United States listens to the Senator from New York [Mr. ROOR] without being instructed as well as pleased. I take it for granted, Mr. President, there are none of us here who do not want the Government of the United States to be absolutely and strictly neutral as regards the pending hostilities in Europe. I take it for granted that there is no good American who will not be neutral himself, and I apprehend, as the Senator from New York does, some danger of our being self-rent because of our various European derivations. Back in Washington's administration a traveler from Europe said he "could find no Americans, he found either Frenchmen or Englishmen"; but, notwithstanding that fact, Washington, as President, and Jefferson, as Secretary of State, held the helm firmly and this country escaped being mixed up with the European wars. Just so now, Woodrow Wilson and William J. Bryan will hold the helm of the ship of state steady and firm on an appointed American course and hold us free of European international entanglements.

I find to-day that there are in America so-called German-Americans who are very much more German than they are American, and some so-called French-Americans who are very much more French than they are American, and some American citizens of English and Scotch derivation who, although they do not hyphenate themselves, are yet behaving as though they were very much more English and Scotch than American. But all these do not amount to much. They are merely the negligible fringe. The great body of the people are Americans first, no matter what their original derivation was, and they are going to remain so, and they are going to remain in absolute sympathy with an administration which holds the helm down hard and prevents the American Republic from being mixed up with these troubles. Some of these people are trying to get us into war now. Several newspapers—and I might mention some which are not a thousand miles from here—are writing editorials every now and then in which there seems to be a purpose of dragging the United States Government into trouble with one or the other of the European powers.

All that is very true, Mr. President, but, upon the other hand, Americans have their rights. The rule is that a neutral has a right to trade. The exception is the belligerent's right to interfere. His right to interfere, luckily for us at this time, is based upon express law and agreement. It can not be said by the Senator from New York or by anybody else that if the Government of the United States proceeds to protect its commerce it is thereby unfriendly to anybody anywhere.

Mr. President, the Senator from New York says he is sorry to see, or he would be sorry to see, any partisanship injected into

this discussion. In heaven's name, who injected it? The gentlemen upon the other side of the aisle did. The legislation had no sooner been broached than they proceeded to act almost as a solid party against it. Before there had been any discussion or any argument or anything else a little coterie on that side of the Chamber proceeded to declare that we would have to stay here until the 4th of March, or made a similar declaration, if we passed this legislation. It is not our fault. They declared war. They made this a partisan question. They did it in the interest of the present owners of ships.

The Senator from New York has erected a man of straw, as I shall proceed to show after a minute; but, first, before I go to that I want to say a few words about what the Senator said of personal import.

Mr. President, it is lucky that hard words do not break bones, even when the hard words are pronounced ex cathedra by men who are ex-Secretaries of various departments and ex-presidents of conventions, where the business of decreeing by the way of the voice of a so-called "brutal majority" seemed to strike no terror to them.

Ex cathedra, ex-Secretary, or ex-permanent or temporary convention chairman—it is all one—and all embodied in the Senator from New York. They are all exes. All have worked by "decree" of the majority. Witness the Republican convention of 1912.

But to come to the personal issue so unnecessarily raised by the Senator from New York. The Senator from New York accused me of being guilty of "effrontery." Consider that, now! In what consisted my effrontery? In denying and disproving the assertion of the Senator from Michigan that none on the other side of this Chamber had been filibustering, that none of them had been speaking merely to consume time. Of course, the Senator from New York, with all his ex cathedra utterances, knows that I was right and there was no "effrontery" in asserting the truth and in proving it. You have been filibustering. You are filibustering. You have been and are speaking to consume time and not in honest debate.

Besides that, I am not the sort of a man to be guilty of effrontery. It is a sort of thing that never occurs to my mind nor to any other sincere mind concerning me. What self-satisfied complacency of temperament it must take to accuse a man of being guilty of effrontery because he has asserted that you Republicans were filibustering. Not one of you on honor in private conversation will deny it.

Then the Senator from New York accuses me of disrespect to the Senator from Ohio [Mr. BURTON] and the Senator from Massachusetts [Mr. WEEKS] because he says I said "their speeches were not worth listening to." I did not say exactly that. My recollection is that the Senator from New York was not in front of me when I was speaking, anyhow. He is generally out of the Chamber. He was not paying any more attention than a good many of us who were discussing the issue had been paying attention to the speakers who afterwards or before were merely consuming time.

What I meant to say, and what I do say, is that no speech nine hours long is worth listening to, I do not care who made it.

Mr. RANSDELL. Thirteen hours long.

Mr. WILLIAMS. I am informed that one of them was 13 hours long. I thought it was 9 hours. It covers 65 pages of the RECORD. The man who would pretend that he was wise enough to speak intelligently enough to fill 65 pages of the RECORD, and that it was all worth while, would be getting a reputation under false pretenses, because God never made anybody that wise, and I do not suppose He ever will.

I have listened frequently with very much interest and attention to both those Senators. I served with them on the other side and on this side, and I have in my time obtained much information from them; but the minute I find a man piling a whole lot of books on his desk with the idea of taking up all the time he can, then I retreat to the cloakroom, and I have no apology to make for it. Life is too short and art is too long for me to be wasting even my insignificant attention upon perfunctory efforts of that sort.

The Senator from New York seems to be astonished at two things—the unprecedented character of this legislation, and the unprecedented methods to which we are resorting in order to carry it to its consummation. I do not remember whether the Senator from New York was Secretary of War at the time or not, but in an administration where he was in the Cabinet the United States Government proceeded to purchase and to operate a line of steamships between New York and Panama, and the Government of the United States is now operating it, just as we propose to operate these ships, under "the fiction of a corporation," as he calls it, the stock being voted by a man in the War Department. So the measure is not unprecedented.

I do not remember how the Senator from New York voted on the question; I remember how I did; but it has not been long since we authorized the United States Government to buy and operate a railroad up in Alaska—\$30,000,000—for a few thousand people. Whether what we are doing is right or wrong it is not unprecedented therefore.

Now, as to the method of meeting your method over there. Is that unprecedented? We are meeting unprecedented talk by unprecedented silence. The Senator from New York quarrels with us because we do not talk. I have heard of men quarrelling with others because they did not let them talk, but I never heard them quarrel with a man because he did not talk. If you can not win this debate and impress the country with the solidity of your arguments and the justness of your views when we keep quiet, what sort of fix would you be in if we talked? What would be your fate?

If all that gush by the Senator from New York had not been pronounced solemnly and in the ex cathedra, ex-Cabinet member style, people would have laughed at it; but I did not see a ripple of amusement on either side; I looked around at the time to see if I could. Such is the force of dignity! Such the force of a combination of exes!

The Senator from New York said the Senator from Missouri [Mr. STONE] said, "We have the votes." Yes; but in Heaven's name what good would that do us if we fall into this trap you set of helping you to consume the time between now and the 4th of March? Shall we be forced by solemnity of utterance to be particeps criminis in that crime against time and American commerce!

Is this the first time in the Senate of the United States when the minority wanted to filibuster that the majority passed a self-denial ordinance and kept its mouth not altogether but comparatively closed? So there is nothing unprecedented in the method, either.

The truth is we on this side have made up our minds to put through certain legislation. Most of you on that side have made up your minds that we shall not do it if you can help it. All we are asking is a vote, and what you are doing is preventing a vote or trying to prevent it. We shall continue to try to force a vote. The Senator from Missouri was justified in saying, "We have the votes," but if you think we have not the votes—and some of your newspapers and treasonable Democratic papers say we have not; they say there is a great disintegration over here—then why not let us have a vote and beat us and be done with it and get through with it now?

I never received as high a compliment in my life, I never heard as high a compliment to this side, and I appreciate it, because I was one of them, as the pathetic appeal of the Senator from New York this morning that we should talk. It is the first time in my life I ever had anybody to indulge in pathos while begging me to talk, and I never heard Republicans pathetic before in my life while begging Democrats to talk.

You do not know what you are doing. We might take you at your word, and if we did, you would be as much punished as we have been here in the last three or four days by long-winded, senseless speeches, and most of you would defend yourselves in the same way that we did—by going into the cloakrooms or over into your offices to dictate letters or do something else, and I can not say that I would blame you very much.

Then the Senator from New York said that after we introduced this bill we brought in a substitute, as he called it, "an entirely new bill." Of course, the Senator from New York knew we had not done that. The Senator from New York took advantage of the letter. Of course, in a parliamentary sense, we did bring in a bill striking out all except the enacting clause, and substituting for it another bill, but of course the Senator from New York knew that the substitute was, nine-tenths of it, a repetition of the original bill, and only in a parliamentary sense could it be said to be a new bill. Yet the effect was sought to be made upon the country that we introduced an entirely new bill; that we knew so little about what we wanted that we introduced one bill, then threw it out—threw it in the wastebasket—and brought in another, a new and a different one. The old bill and the new bill are just as nearly one as the Senator here before me is the same that he was three weeks ago, although in the meantime certain changes have taken place in the color of his hair, his complexion, and the inside blood and muscles in him.

Now, Mr. President, the Senator makes use of a phrase. Those of you who know stupid human nature know how important phrases are in life. He accuses us over here of "a conspiracy of silence." Do you know what the American people would like above all things in the world? I will tell you: That the whole blessed Congress would enter into "a conspiracy of

silence"; that is, if the Senator means by that a conspiracy to keep silent more than they do or have done.

But what is this "conspiracy of silence"? From the phraseology of the Senator from New York and from his manner of saying it you would imagine it was a crime of some sort. In other words, the man who does not speak—and, according to the Republican precedents and examples, 13 hours or 9 hours or 7 hours—is guilty of a crime against this august parliamentary body. This body has a reputation of being an exceedingly talkative body, but this is the first time I have ever heard that to keep silent in it was treason to it. But the Senator seems to think so. We are just simply trying to keep from participating, from being particeps criminis, in an attempt to obstruct and delay and hinder the business of this body.

But the Senator from New York is mistaken when he says that no argument has been made upon this side. The Senator in charge of this bill [Mr. FLETCHER] opened it with a statement—and a very clear and a very complete one—accompanied by a very good argument, and thus far it has not been replied to.

As I said the other day, "enough is as good as a feast." If a man could in 10 or 15 minutes make an argument that somebody else can not reply to in 13 hours, why should he consume even 10 or 15 minutes more? Why should his friends add perfume to the violet?

The Senator from New York this morning indulged in some real discussion himself. He says that discussion is "stimulating." Yes; discussion is, if it is real discussion; but discussion merely to consume time is not stimulating. It is sleepifying, somnolent. It is of exactly the opposite effect. No man can be safely stimulated for 13 or 9 or 7 hours without intermission. I have listened a hundred times to the Senators, whom I was not criticizing, but whose consumption of time merely I was criticizing, and have found what they said edifying, interesting, and to me, at any rate, very instructive and pleasing. Whenever they are in earnest they are all that; but a man who has such mental ability that he can handle a great subject in two hours with interest becomes uninteresting and an all-around bore when he occupies 13 hours or 9 hours. Daniel Webster, if he had tried speaking that long on a stretch, would, Patrick Henry could not have done it if he had tried.

Let us talk common sense. We have not deprived you of any opportunity over there. You can talk all you please; we could not keep you from it if we would, and we would not if we could. All we are doing is giving you an hour's extra time every day to talk. We are, indeed, giving you "the morning hour"—two hours nearly—and after a bit we will give you two hours more at night, and then maybe after a while we will give you from breakfast to breakfast; but we are not going to say at any time in this discussion that you shall not talk. On the contrary, the more you say you want to talk the more time we are going to give you to talk in. Nobody can be more indulgent than we. I can imagine nothing more kindly than that. Nobody, moreover, has deprived you of any right of offering any amendment to this bill, or of having it adopted, provided only you let the Senate vote on it and a majority of the Senate votes with you.

Now, Mr. President, to come to some points in the discussion of the question itself. The Senator from New York says that the Secretary of the Treasury "admits that this will be a losing business," if we go into it. The Secretary of the Treasury did say that upon some routes it would be during the period of organization, and for some time, a losing business. But a losing business, Mr. President, to whom? To the Government? Perhaps. To the people of the United States? No; for we are now paying \$16,000,000 a month unnecessarily for ocean freight. In four months and seven days we would save enough to the American people upon ocean freights, as they are now, compared with what they formerly were, to pay every dollar of this \$40,000,000 back if we lost it all; and nobody contends that we would lose it all. It is not a losing business, even for the Government, to that extent. If it were a losing business, I do not suppose we would lose over 10 per cent or 15 per cent in that time. There are two sorts of losing businesses; one is a loss to the Government and the other is a loss to the people. The idea of any Republican standing up here and talking about not taking over a losing business! There never was a protective tariff passed since the world began that was not predicated upon the assumption and assertion that without the assistance of the taxing power the business protected would be a losing business; and in that case, when it is protected, who loses after it is protected? The people. In this case, if anybody loses it will be the Government, while the people themselves gain manifold that much.

The Senator from New York said that our wheat was selling at such and such a price and our cotton at 8 cents, and when he said cotton was selling at 8 cents he looked as if he thought you

and I were getting rich. It costs about 10 cents to make cotton. The Senator from New York thinks we are getting awfully rich with cotton at 8 cents, and therefore he says all the legislation we try to pass upon this side has proven itself to have been unnecessary. What an encyclopedia of ignorance about cotton is he not the author of?

Mr. President, I will call attention in a few moments to a few things about freight rates; but to take cotton alone, where the freight rates upon cotton prior to the war were 30 and 35 cents a hundred, which would be from a dollar and a half to a dollar and seventy-five cents a bale, the freight rate now is from \$13 to \$17 a bale.

Yet the Senator from Ohio [Mr. BURTON] spent hours upon this floor trying to prove by affidavits and letters and certificates of interested persons that there was not a shortage of tonnage to carry our freight. What could have accounted for this immense increase in freight rates except a shortage of tonnage? The very day that the Senator from Ohio was making that speech—the very day and the very day after he made a part of it—the Washington Post's news columns were full of statements of the fact that the railroads going into several ports in the United States had refused to receive any more grain or food-stuffs because the warehouses were full and there was no ocean tonnage to carry them abroad. That was another lesson in the futility of receiving the affidavits and certificates of interested persons, whose testimony can not be relied upon from the very nature of the case.

One thing I want to go into especially. The Senator from New York says that the only ships we can buy are German ships. Why, Mr. President, that is not correct. Norwegian, Swedish, Danish, Dutch ships, and ships from other places are for sale. That is not all. Ships adapted to the foreign trade now engaged in our coastwise trade are for sale. That is not all. Tramp ships are for sale.

The tramp ship is a peculiar thing and has a peculiar utility in the commerce of the world. The great steamship lines can enter into a combination, and sometimes attempt to do it, and approximate what we call a trust; but along comes a tramp ship and says: "I want to be loaded with wheat or cotton at this port." So there never has been an ocean transportation trust. The tramp ship kept it from coming into operation. But when great wars come and danger fields on the ocean come the tramp ship flees the danger zone. Why? Because if a vessel is a part of a great company and is carried into a prize court the company can afford to wait for an adjudication and is not ruined, or if damage occur from a war which has taken place the company can afford to wait until it is paid; but where a man owns a tramp ship, and his entire fortune is in it, holding him up for three months or six months will result in his ruin. So he gets out of that sort of trade as quickly as he can and gets into a trade where it is more safe—follows a safer route. So there are tramp ships for sale, tramp ships leaving our trade and gone to other—perhaps East Indian and Oriental—routes. I will show after a while more specifically where these ships are, or I will insert a list of them in the RECORD.

Mr. President, there is, however, this thought back of all this: In my opinion we shall not need to buy many ships to correct this exploitive oceanic freight-rate evil. The German and Austrian ships have disappeared from the sea; they are interned. Many of the British and French ships have been requisitioned or commandeered. Tramp ships have to a large extent disappeared from the north Atlantic trade, especially that part which goes into the North Sea or the English Channel. The consequence of that is that the great lines have been left in command of the situation. The consequence of that is that the great lines have proceeded to act in a piratical or in an exploitive way. I will take back the word "piratical," because it is but natural that they should take advantage of the situation; but they have proceeded to act in an exploitive way. They have raised freight rates up all the way from 300 per cent to 900 per cent, and in some cases, as I shall show after a while, 1,100 per cent. They know they can carry this trade for less, and they know that their pretense for charging all this high price is the fear of mines and the fear of capture is fictitious—a mere pretense. There is not a mine between us and Liverpool; there is not a mine between us and the west coast of South America or the east coast of South America, either; there is not a mine between San Francisco and the Orient. There is no occasion in the world why either the marine insurance or the freight rates should be enlarged upon any of those routes. There is some occasion why it should be enlarged to Scandinavian ports and the ports reached by going through the English Channel or the North Sea, but they have raised freight rates everywhere; they have taken advantage of the situation; they are cutting the

throat of American commerce, not alone in the war zone, but south of us and east of us and southwest of us.

What difference does it make that oats should be selling as high as they now are, for example, when freight rates here are 6 shillings 6 pence per bushel, as one man writes to the Secretary of the Treasury he must agree to pay if he ships at all. That is not a freight rate to Hamburg or Bremen, mind you, but a freight rate to Liverpool. It is prohibitive. Of course the man is not going to ship at all. Besides that, the steamship companies tell him that they do not think they can give him tonnage anywhere, because they are carrying other things which are more profitable to themselves.

This being the situation, it is my opinion that the moment the United States Government steps into this arena, panoplied and armed and ready for war—"red-eyed," as a Senator said here the other day—that that moment the major part of this evil, which makes such an emergency, will disappear. How? These people will voluntarily reduce their freight rates in order to keep the United States Government from continuing permanently a line of business which they think would result in great damage to them.

Mr. WEEKS. Mr. President—

Mr. WILLIAMS. One moment. They will not wait for the actual competition, but they will reduce their rates because of the anticipated competition. Whether I am wrong in that or not is debatable, of course. It is a mere matter of speculation and opinion as to the future, but, at any rate, it is my judgment, or the result of my judgment.

Mr. WEEKS. Mr. President, I understood the Senator from Mississippi to say just now that the rates charged for carrying grain were prohibitive. I should like to know how he sustains that contention?

Mr. WILLIAMS. I did not say that. I said that certain rates here referred to from certain ports to Europe were prohibitive. There are other ports. One of the curious things about this situation is that rates are not the same from different ports.

Mr. WEEKS. I agree with the Senator from Mississippi that the rate on a bushel of oats of 6 shillings and sixpence is prohibitive, but there have been 54,000,000 bushels of grain shipped up to the 15th day of January this year more than were shipped last year. Does not that indicate that there is a considerable amount of shipping available for that purpose?

Mr. WILLIAMS. Yes; it does.

Mr. WEEKS. An ample amount?

Mr. WILLIAMS. No; it does not. If I understood the Senator, he asked me if there was an ample amount of tonnage for grain.

Mr. WEEKS. That was part of the question.

Mr. WILLIAMS. Evidently there is not, or the warehouses and elevators in our cities would not be standing to-day chock full of grain and the railroads would not be giving notice that they did not want to carry any more to certain ports.

Mr. WEEKS. Mr. President, does not the Senator from Mississippi know that the difficulty is that of unloading on the other side of the ocean; that the foreign ports are crowded with shipping and that a great number of ships are waiting to discharge their cargoes in foreign ports, and that that is the reason for the shortage of tonnage?

Mr. WILLIAMS. No; I do not. I yielded for a question. I do not care to argue that. I merely made the statement that they could not get the tonnage and that they are not getting it now.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Mississippi yield to me for a moment?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. No; I can not yield. I will yield to the Senator for a question, but not for anything else.

Mr. MARTINE of New Jersey. I only wanted to assure my friend the Senator from Mississippi that the freight rates were not only high, but—

Mr. WILLIAMS. I beg the Senator's pardon, but if I yield to him except for a question I shall lose the floor, and I do not wish to do that.

Mr. MARTINE of New Jersey. I do not wish to take the Senator off the floor.

Mr. WILLIAMS. Mr. President, the Senator from New York and others have taken the position that about the only ships we could purchase were German ships, and then they have taken the position that we can not purchase German ships. Mr. President, so far as the law is concerned, the Senator from New York need not have taken so long as he did to explain it, because the plain law is in the declaration of London. I differ from the Senator from New York about this. He says the declaration of London is not binding upon us. I

say that it is. I say that it is binding upon us for two reasons: First, because we agreed to it, although the mere formality of the exchange of ratifications had not taken place prior to the war. We are, therefore, morally bound by it. Then I say that the declaration of London is binding upon us for another reason. Russia, France, and England, all three, have declared it to be the rule by which they shall be guided during this war; and the Senator from New York knows that it is a principle of international law that the captor's law is the law of the war, subject only to a trial in a prize court after seizure, and to such treaties as may exist between the two countries submitting such questions to arbitration.

Mr. SMOOT. Mr. President—

Mr. WILLIAMS. One moment. In this particular case the declaration of London is binding upon us, subject only to differences about the interpretation of it—the construction of it.

Mr. SMOOT. I want simply to say to the Senator from Mississippi that, as I understood the Senator from New York [Mr. Root], he said that technically people might say that we were not bound by the London convention or treaty; but I do not think the Senator from New York took the position that morally we were not so bound, for his whole argument was based upon that idea.

Mr. WILLIAMS. I do not know what the Senator from New York meant, but he said we were not bound by it. He is not here; he is pursuing the advice which I gave to Senators the other day—when they did not expect to be entertained to absent themselves from the Chamber, and he is probably right in that. He left immediately after he concluded his speech.

Mr. SMOOT. I think the Senator is probably at luncheon.

Mr. WILLIAMS. I do not know where he is nor what he meant; I only know what he said; and he said that we were not bound by the treaty of London. It is rather late for luncheon.

Mr. President, the law of the case is very clearly expressed; in brief it is this: That as to the purchase of ships taking place over 30 days before the outbreak of hostilities such purchase is absolutely valid; as to the purchase taking place within 30 days before the outbreak of hostilities it is presumed to be valid, but proof can be introduced by the captors to show that the sale was not to avoid the consequences of war, that is not valid; in other words, the burden of proof is then upon the captor; as to the purchase of ships belonging to belligerents by neutral powers, taking place after the outbreak of hostilities, they are invalid; but that, again, is subject to rebuttal by proof, the burden of proof this time being upon the owner of the ship to prove that the sale was not made to avoid the consequences of war. That, in short, is the entire law; and it is contained in articles 55 and 56 and the first part of article 57 of the declaration of London; and any Senator who will read it will find it there as clearly as if he listened to somebody spend three hours trying to explain what it means. I shall put it in the Record right here as a part of my remarks. I do not want to detain the Senate by reading it.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

CHAPTER 5.—TRANSFER TO A NEUTRAL FLAG.

ART. 55. The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than 60 days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than 30 days before the outbreak of hostilities there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned and if its effect is such that neither the control of nor the profits arising from the employment of the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than 60 days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

ART. 56. The transfer of any enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void:

- (1) If the transfer has been made during a voyage or in a blockaded port.
- (2) If a right to repurchase or recover the vessel is reserved to the vendor.
- (3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.

CHAPTER 6.—ENEMY CHARACTER.

ART. 57. Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. REED. In the light of the speech of the Senator from New York this morning—

Mr. WILLIAMS. I yield for a question, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri understands—

Mr. REED. I am going to ask a question. In the light of the speech of the Senator from New York this morning, in which he intimated that the Senate could not deliberate when its Members are absent, I desire to ask the Senator from Mississippi whether, in view of the fact that on the Republican side of this Chamber there are just 8 Republicans present and 35 absent, he regards the 35 as deliberating within the definition of the Senator from New York?

Mr. WILLIAMS. Oh, yes—

Mr. SMOOT rose.

Mr. WILLIAMS. I will answer the question. I think they are deliberating; I think they are very sensibly deliberating besides, and I would not have them put to the trouble of being here for \$10, and I am a poor man. [Laughter.] I would rather they were absent, or at least those of them who do not wish to listen; and I realize that they are not absent out of any disrespect for me, but because they are tired of this whole business, as most of us are.

Mr. SMOOT. Mr. President, in that connection I should like to suggest to the Senator that he count the number on the Democratic side, and he will find about 12 out of 52. [Laughter.]

Mr. REED. Mr. President, that is very true; but it is also true that we have not been letting out a wail like the one that went up from Jericho because Senators are occasionally out of the Chamber.

Mr. WILLIAMS. Mr. President, as a Member of Congress by the name, I believe, of Cobb, from Alabama, once remarked, I have a little trouble finding "where I am at," these interruptions are so irrelevant; but having discovered it, I go on.

The truth is—dwelling for one moment upon the issue which has been precipitated into the argument of the merits of this case—that Senators could not attend to their business at all if they remained in this Chamber all the time while the Senate was in session to listen to the speeches made. As a consequence, when Senators are interested in a given subject, when they are interested in the manner of handling it, and when they are not bored to death by a filibuster like this or something else, remain in a majority in the Senate, although not altogether; but when a filibuster like this or something else of the long-winded character is boring them to death—tired—they leave, and, heaven knows, I do not blame them. The only men who have been solicitous of their attendance on the floor during this debate have been the men who have been speaking—some of them for 13 hours or 9 hours or 7 hours at a time—and I notice that as soon as even they get through, although they are clamoring for somebody to listen to their discussion, they leave the Senate Chamber to a man, as the Senator from New York, lately clamoring, has lately left.

I myself am willing to listen only to myself now and then, but these gentlemen seem to have adopted that as a usual practice, so that when they themselves are not talking they think it well enough to be absent. I am not quarreling with them; it is perhaps a very wise thing to do.

Now, to get back to the question. The Senator from New York says that he is "fired," "appalled," "with apprehension" lest the sovereignty of the United States shall be brought into question by some capture or international dispute concerning one of the ships contemplated to be operated under this bill. Why, how could it be? The ships are to be the ships of a corporation of the District of Columbia. The Government is not seeking to hide behind the corporate name at all, but, on the contrary, by the very fact that it does incorporate the company, is announcing to the belligerents that the vessels belonging to the proposed corporation will be subject to all the rules and regulations of international law that affect any other vessels belonging to any other corporation or to any private citizen. Yet the Senator from New York went on and spent quite a good deal of time in talking about our "withdrawing ourselves" behind "the fiction of a corporation" and in warning us that we could not withdraw these vessels from international law because of the fact that the corporation contains three Cabinet officers. Whoever thought we could? The very object of incorporating was that we should not do so.

About three or four days after the outbreak of the European war I introduced a bill here for the Government itself to buy ships and to operate them or to charter or to lease them. This

bill is better than the one which I introduced, for the reason that it avoids the very rock upon which we might have split and against whose presence the Senator from New York warns us. This is a very much better bill. The only quarrel I have is that we have waited so long for the relief. We might have had this law five months ago; and if we had had it five months ago we would have saved during that five months up to this good hour \$80,000,000 in freights to the American people—twice all the money that is called for under this bill—and now Senators are going on and filibustering against it and delaying it, when it is costing about \$16,000,000 a month to the American people. Every day that you delay it you are costing the American commerce one-thirtieth of that amount—about half a million dollars a day. Is your love of talk worth that? Is there a man in the Senate who does not know how he is going to vote on this bill? Is there a man here who has not to his own satisfaction studied it from every facet which it can present or which it has presented to him? What right have you to fine the American people this amount of money—about half a million dollars a day—while you are talking about whether or not I have "effrontery," or whether somebody else ought to talk who has not talked, or consuming time to deny that you are filibustering when you know you are?

Now, one other thing, Mr. President, and I shall sit down, because I do not want to take up much time. Senators who have considered the question as to whether we have a right to buy the ships of belligerents have considered it entirely from the standpoint of law. We have no right to buy ships of belligerents after hostilities wherever those ships are sold for the purpose of evading or escaping the natural consequences of war. There is no more doubt about that than there is doubt about the first elementary definition of what constitutes murder in the statute of any State in the Union, but there might arise a question as to what constituted this evasion—whether sale of interned vessels did.

The Senator from New York says that the belligerent nations are not going to consent that they should not "swoop down upon their prey." That is very true; but a German ship interned in an American port within the 3-mile limit or within the port is not subject to become "the prey" of any belligerent power. What is the consequence of that? Great Britain, the chief maritime power, and France, her ally, if they have anything at heart next to whipping their enemy in this war, have at heart the destruction of the merchant marine of their enemies. Suppose that merchant marine is kept in our ports until the end of the war. What then becomes of it? Why, it goes right back to its German owners, does it not? Or suppose a French ship or a Russian ship is interned here. It would go right back to its French or Russian owners. Suppose in the meanwhile it is sold to us, especially when about a third, maybe, of its value has already been taken up in port and harbor and demurrage charges that must be paid at our ports.

It is not a mere question of law; it is a question of diplomacy as well. Knowing, as I think I do, the wisdom of the Government of Great Britain—and it has been a very wise Government, whatever else may be said of it during all the ages—it seems to me that if proper diplomatic efforts were used, both Great Britain and France would consent, and gladly consent, for us to purchase all the German merchant marine that exists on the earth. So it is not a question merely of law.

Mr. President, in connection with the assertions made by me with regard to freight rates, I wish to insert in the Record as part of my remarks a tabulation of letters written to the Secretary of Commerce and to the Secretary of the Treasury by shippers and merchants all over the United States, giving the amount that freight has risen. I do not want to read the whole tabulation, but I want to read a few things from it merely to justify what I have said before.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. WILLIAMS. I do.

Mr. NORRIS. I want to ask the Senator a question before he leaves the subject of the purchase of ships that might be interned in American ports. I want to say to the Senator that that is one thing that, to me, has been a very serious proposition. I believe that it is one of the serious things to be considered, and I am asking the question not in an unfriendly spirit. Does the Senator believe that any of the belligerent nations would consider it to their advantage if some interned ship of their enemy were sold to the corporation to be created by the pending bill?

Mr. WILLIAMS. I have just dwelt upon that a little. If I were an Englishman and sat in the English cabinet—and you can only judge what other people think by what you would

think if you were in their place—I should be very glad to see the entire German merchant marine transferred to American citizens; and if I were a German I would be very glad to see the entire British merchant marine transferred to American citizens, provided only they were transferred when they were interned and could not be captured and when, under these circumstances, at the end of the war they would, if not sold, go back to their original owners. Of course, that does not involve their sale on the high seas, where they might be captured.

Mr. NORRIS. Well, it would involve, as I look at it, the question as to whether they would be captured or not. Of course, they might engage in carrying contraband, when they would be subject, like any other ship, to capture; but I am not speaking of that.

Mr. WILLIAMS. I am not, either.

Mr. NORRIS. I want to take it on this ground alone, whether the Senator thinks the interned ships, if purchased by Americans, if they went out on the sea would not be captured by the enemy of the country under whose flag they had formerly sailed?

Mr. WILLIAMS. Why, Mr. President, in answer to the Senator's question, just what Washington and Jefferson did to maintain neutrality during the French Republic and Napoleonic eras Wilson and Bryan are doing to maintain neutrality now, and I have no idea that this administration and this corporation acting under its tutelage would be stupid or foolish enough to buy a single interned ship of a single belligerent without previously by diplomacy settling the question that the other belligerent would not object.

Mr. NORRIS. Then, if that is the Senator's idea, would the Senator favor an amendment to the bill that would practically put that statement in the act?

Mr. WILLIAMS. There is no use in it. I would not favor an amendment to the bill saying that we should not buy the ships of any belligerent, because I think by diplomatic procedure we can buy them without any probability of trouble.

Now, let me say another thing while we are upon that subject. So far from endangering our neutrality, this passage of this bill is going to help to maintain it. Now, why? Because it is unthinkable that this corporation will ever carry any contraband, and there will be a certificate, under section 12 of the act, stating just exactly what is loaded upon the ship, and her cargo will not be concealed with that certificate carried by the captain.

Mr. NORRIS. Yes; I understand that; but that is not my question.

Mr. WILLIAMS. The sole reason why our commerce has been bothered so much lately is because some ships will try to carry contraband, and some of them will, even worse, try to carry contraband concealed. It is unthinkable that this corporation, with the Secretary of Commerce and the Secretary of the Treasury a part of it and largely controlling it, would permit anything of that kind.

Mr. NORRIS. I agree with the Senator on that point; but I do not think that has anything to do with the question I propounded. Now, I wish to ask the Senator another question.

Mr. WILLIAMS. I answered the other question. I do not think we are going to buy them unless it is agreeable.

Mr. NORRIS. Yes; I understand. If it is the theory of this legislation, however, that we believe our Government should not buy unless it is agreeable to the other belligerents, it seems to me the way to make it safe is to put it in the law itself.

Mr. WILLIAMS. Oh, I should think not, because—

Mr. NORRIS. But there might be a difference of opinion on that point. Now, I wish to ask the Senator another question.

Mr. WILLIAMS. Let me tell the Senator why I think not—because if you set two people to trading—and diplomacy is international trading—and if in advance you tell one party just how far he can go, there is not much room for him to trade in.

Mr. NORRIS. That is true; but the Senator announces publicly that in his judgment they would not under any circumstances do it unless it was agreeable to the other party. I do not see any difference between having that understanding, if that is to be known, and putting it in the law itself.

Mr. WILLIAMS. There is a very plain difference between expressing my opinion here and putting it in the law and saying to all those countries that unless they consent this can not be done.

Mr. NORRIS. The Senator himself says he believes it would be true.

Mr. WILLIAMS. I do not think it necessary to consult all the belligerents. Of course, in theory, they would all be concerned, but the Senator knows that in practice the only ships involved here are the German ships that are interned.

Mr. NORRIS. I presume that is true.

Mr. WILLIAMS. If Great Britain and France do not object, we can purchase them, and there will be no trouble. Germany could not object.

Mr. NORRIS. Germany could not object. Now, I want to ask the Senator another question. Suppose this bill is passed, and an interned ship is purchased without getting the consent of the other belligerents. Is it not true, as a matter of international law, that that ship is subject to seizure?

Mr. WILLIAMS. Absolutely; and the seizure itself is subject again to a hearing in a prize court.

Mr. NORRIS. Exactly; yes.

Mr. WILLIAMS. Or, if there is a question between the two countries that exceeds that in importance, to the decision of an arbitration commission.

Mr. NORRIS. Still, if any arbitration should come out of it, the arbitration commission probably would not pass on it until after the war was over.

Mr. WILLIAMS. No.

Mr. NORRIS. That would come later.

Mr. WILLIAMS. That is very true. Now, if the Senator will permit me, I should like to proceed.

Mr. NORRIS. I wanted to get the Senator's idea of the legal question involved here.

Mr. WILLIAMS. I have given that.

Mr. NORRIS. The Senator says the matter would go to a prize court.

Mr. WILLIAMS. Yes.

Mr. NORRIS. Of course, in a prize court the very legal question itself would be involved.

Mr. WILLIAMS. That and the construction.

Mr. NORRIS. Yes. In the prize court would not the fact that the ship was interned and the fact that it was purchased after hostilities began be conclusive in favor of the right to seize the ship?

Mr. WILLIAMS. No; it would not.

Mr. NORRIS. Would it not always follow?

Mr. WILLIAMS. I will read to the Senator the exact language of the law:

The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved—

Now, that is, of course, proved by the owner. The burden of proof is upon him.

Mr. NORRIS. Yes.

Mr. WILLIAMS (reading)—

Unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

The interesting question arises right there, when a vessel which is interned, and therefore not liable to capture as long as it remains interned, is sold by its owner, a citizen of a belligerent country, to a corporation or citizen of a neutral country, whether it can be said that it was sold to evade the consequences of capture, because, per contra, it was not liable to capture as long as it lay interned. To give my opinion on that interesting question, if I were a part of the court, I would decide that whether it was interned or not they had to prove more than the fact that it was interned in order to escape this declaration that that transfer was void.

Now, it goes on:

There, however, is an absolute presumption that a transfer is void in these following three cases:

(1) If the transfer has been made during a voyage or in a blockaded port.

That is self-evident.

(2) If a right to repurchase or recover the vessel is reserved to the vendor.

That is self-evident. Of course that would not be in good faith.

(3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.

Those are the exceptions, and that is the law.

Mr. NORRIS. Those are not the exceptions. Those are the cases where there would not be any proof admitted.

Mr. WILLIAMS. They are the exceptions to the right and scope of rebuttal. Now, then, to go ahead, in further reply to the question of the Senator: These vessels are the vessels of a corporation. There is no intent, nor could there possibly be any effect, of withdrawing them in part or in whole from the operation of every principle of international law. They will be just as much subject to condemnation and seizure, and to the same extent subject to it, as a vessel owned by the Senator from Nebraska sailing the high seas or a vessel owned by a corporation doing business from New Orleans to Liverpool. No question of sovereignty of the United States is involved in it to the slightest extent.

In the bill which I introduced I made the United States buy the ships; and I expressed in the bill, first, the pledge of the United States that they would not carry contraband of war, and, secondly, a declaration that the United States would "regard it as an unfriendly act" for any nation to touch one of them. This is wiser legislation, and better in every sense than that proposed by my bill. The very reason why this is a corporation is to escape that very difficulty, which, I frankly confess, I myself at first did not guard against.

When the Senator asks me whether or not these ships would be subject to seizure, of course my reply is that it depends upon what they are doing. If they are doing anything that would subject any other ship to seizure, they will be subject to seizure, and they will have exactly the same right of appeal to a prize court or to arbitration that any other ship would have.

Mr. NORRIS. Now, I should like to ask the Senator if he can give an instance where one of these ships, interned during the war so far, could be sold by its owner with any other object in view than to avoid seizure. The fact that it is interned and that the owner does not take his ship out on the high seas is the best evidence in the world, although it may not be conclusive, that he is afraid of seizure. That is especially true when there is such a demand for ships.

Mr. WILLIAMS. I have already given the Senator my opinion for what little it is worth.

Mr. NORRIS. I wanted the Senator to give me a case, if he could. I am not saying that he could not.

Mr. WILLIAMS. I have already given the Senator my opinion to the best of my ability, which is that if the question were put before me as a judge as to whether the fact that a vessel was interned relieved it from the exemption, I would rule that it did not.

Mr. NORRIS. I think any of us would.

Mr. WILLIAMS. Because, although it could not be seized in a port or within the 3-mile limit, the motive underlying the sale in the mind of the vendor would be to get the use of his ship.

Mr. NORRIS. Yes.

Mr. WILLIAMS. And he could not get the use of his ship on the high seas without the danger of capture. I have stated that twice.

Mr. NORRIS. He has interned his ship with the very object of escaping capture.

Mr. WILLIAMS. I know. I have stated that twice.

Mr. NORRIS. If this bill were passed, and the Senator were in charge of this corporation, and he had the buying of ships by virtue of this law, would he feel that he was justified in buying one of these interned ships without getting in advance the consent of the other belligerents?

Mr. WILLIAMS. I would not.

Mr. NORRIS. That answers it.

Mr. WILLIAMS. In justice to myself, not to be dogmatic about it, I will say that my opinion is worth no more than that of any other lawyer of equal ability, and the opinion of the Solicitor for the State Department seems to be to the contrary; but, as the Senator from New York [Mr. Root] showed this morning, I think the solicitor did not have before him a part of these transactions, and I have thought that all the time. But, Mr. President, I have been drawn away from the point somewhat—

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Just one thing further, please. There is one other point I desire to make, and then I will submit to another interrogation.

The Senator from New York said this morning that where the Government owned stock in a corporation a foreign country would hold that corporation to be the Government. That not only is not justified by the history of the world, but it is denied by it. For example, when the Germans took Paris in the war of 1870-71, they had at their disposal the entire assets of the Bank of France, in which the French Government had more stock and more interest than anybody else in the world; and yet even Bismarck, the very apostle of the doctrine that "might makes right," the man who went further than almost any man ever did in identifying national assets with a government and seizing them when he could, held that the German Government had no right to seize the assets of the Bank of France, and the German Government did not do it, and it was put distinctly upon the ground that it was a private corporation, although the president and the principal officers of the Bank of France were the appointees of the French Government.

Now I yield to the Senator from Utah.

Mr. SUTHERLAND. I wanted to ask the Senator a question in connection with his discussion of article 56 of the Declaration of London, which reads as follows. The Senator has already read it, but I read it again in order to point my question:

The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

If I understand the Senator correctly, he interprets that as though the only consequence to which such a vessel would be exposed would be that of capture.

Mr. WILLIAMS. No; the Senator misunderstood me. I considered that consequence as sufficient in answering the question. Of course, there are other consequences as well.

Mr. SUTHERLAND. Then the Senator concedes what would seem to be the obvious construction of the language, that such a vessel may be exposed to a variety of consequences?

Mr. WILLIAMS. One of which is the consequence of being interned itself.

Mr. SUTHERLAND. Exactly. That is what I was going to ask the Senator.

Mr. WILLIAMS. That is the very reason why, if it were left to my judgment, I would hold that the fact that the ship was interned had nothing to do with it; that it was, notwithstanding that fact, being sold to evade the consequences of being an enemy ship; but better lawyers than I hold to the contrary.

Mr. SUTHERLAND. Then, I will ask the Senator whether, if a vessel is interned in one of our ports, one of the consequences avoided by the sale of that vessel would not be that of having the vessel remain idle in the port, or of going out and being subject to capture?

Mr. WILLIAMS. That is what I say. One of the consequences would be its being interned itself; and of course it follows from that that being interned it can not be earning anything while it is lying idle at the port.

Mr. SUTHERLAND. Then, the transfer of such a vessel, according to the Senator's own view, if I understand it, the mere transfer of such a vessel which has been interned—

Mr. WILLIAMS. Mr. President, I have answered the question which the Senator put to me. Of course I do not think the Senator is asking me the question merely to make me keep the floor, but I have answered that question several times.

Mr. SUTHERLAND. No; I am not doing that.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Mississippi further yield to the Senator from Utah?

Mr. WILLIAMS. Yes; I yield further.

Mr. SUTHERLAND. What I wanted to know—and I am asking the question in perfect good faith—is whether or not it is the view of the Senator, under this language of article 56, that if a vessel belonging to a citizen of a belligerent country is interned, the transfer of that vessel under such circumstances would be in itself a void transfer under the language of article 56?

Mr. WILLIAMS. It would be if the prize court held that such a transfer of an interned vessel of itself constituted "a transfer" for the purpose of "evading the consequences" which would naturally come to it as a vessel of a belligerent country. I have said that if I were on this court and were called upon to decide the question I would hold in the affirmative.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the senior Senator from Utah?

Mr. WILLIAMS. I am ready to yield the floor.

Mr. SMOOT. I wish to ask just one question before the Senator yields the floor.

Mr. WILLIAMS. I have some things here I want to read, and then I want to insert something. Now the Senator can go ahead.

Mr. SMOOT. I was just going to ask a question as to a statement that I understood the Senator to make, namely, that in the war of 1870 the deposits of the Bank of France were held not to be the property of France itself, because it was a corporation. Did I understand the Senator to say that?

Mr. WILLIAMS. Not only the deposits, but all of its assets.

Mr. SMOOT. As I remember, it was held that the deposits did not belong to France; that they belonged to the depositors, and therefore France was not to be held for those deposits. I never heard it stated before, nor did I understand, that it was so held because of the fact that it was a corporation.

Mr. WILLIAMS. Yes; it was held to be a private and not a public concern because it was a corporation.

Mr. SMOOT. That was not what I understood.

Mr. WILLIAMS. The Bank of the United States, in which the Federal Government had a very large share of the stock—I have forgotten how much now—was held to be subject to the private corporation laws of the country.

Mr. President, I do not want to take up the time of the Senate in reading the statements about freight rates, to which I referred a moment ago, to justify or to prove the statements I made. I did intend to read a few of them, but I have been detained upon the floor so long by questions that I shall ask to include them as a part of my remarks.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. JONES. I rise simply in response to the request of the Senator. I think that information ought to be given to us here in the Senate, and I object to printing it in the Record.

Mr. WILLIAMS. Mr. President, I find here a letter from the Garcia & Maggini Co., general commission merchants, San Francisco, Cal., in which they say:

To a great extent these goods have been in New York for a long time, for the reason that our forwarding agents, Messrs. C. B. Richards & Co., could not get any space.

Besides, freight rates have advanced over 300 per cent since the war broke out, and lately, and within 15 days, freights have advanced fully 100 per cent.

This is dated January 5.

I have a letter from William Haas & Sons, who manufacture shovel handles. These other people dealt in dried fruits. William Haas & Sons, manufacturers of shovel handles, say:

For years our entire output has been disposed of abroad, but owing to the present prohibitive tariff in ocean transportation we are unable to deliver our goods; consequently our plant will remain closed down until such rates are established as will enable us to market our goods.

Charles E. Moore, president of the Leaf Tobacco Association, of Baltimore, in a letter of December 28, says:

Some of our exporting members shipping to Holland points have signed contracts with this company, expiring December 31, 1914, for a rate of \$3.50 per hoghead of tobacco. This contract has been disregarded entirely, and the rate increased, first, to \$5.25; then to \$6.85; and to-day a notice that it will be \$7.50 until further notice. This, I repeat, in the face of the written contract for \$3.50 per hoghead.

Here is a letter from Gano, Moore & Co., who deal in coal, coke, iron, steel, and ores. They say:

The shortage of vessels is so serious now that it is practically stopping the exportation of coal. We have several orders for coal, principally to South American ports, and it is impossible to secure vessels.

Then the Copley Cement Manufacturing Co., of New York, says:

Before the month of July, 1914, shipments of Portland cement to the Argentine Republic and Uruguay were possible at \$2.45 per ton; to Rio de Janeiro, Brazil, \$3.60 per ton. These rates were advanced the early part of August 50 per cent, were subsequently reduced so that the advance was equivalent to 25 per cent for the July rates, and these rates have advanced since the latter part of September until now they are \$6 per ton to Rio by some lines and \$8.50 per ton by other lines; \$6 per ton to the Argentine Republic. And notwithstanding these high rates, there is no possibility of obtaining ships, transportation, or accommodation for our product. * * *

Now, remember, this is in the South American trade. There are no mines, no anything else, no question of contraband that can arise at all—no war risk of any description.

Then here is the American Tripoli Co., manufacturers of Tripoli flour. They say:

We have an offer of some orders from Barcelona, Spain, and the first two of the attached letters refer to our efforts to get quoted a rate from New Orleans to Barcelona; and you will see that the steamship company operating steamers to Barcelona refuse to quote rates at all. In the first letter, the reason given was that other commodities which permit of a higher rate are being carried, so that our material, which must have a lower rate, is not at all desirable, and they even refuse to quote rates at all.

That is on a line between New Orleans and Barcelona, away south of the theater of war. That is the route traveled by those ships.

Here is one from W. B. Cooper & Co., cotton merchants:

Please allow us to indorse the action of the administration in trying to secure boats for the movement of American products.

We are frank to say that as a general proposition we are not anxious to see the United States Government get into too many lines of business, but when 3 cents per pound or more is to be paid freight on cotton across the water against 35 cents per 100 pounds six months ago, it is time something should be done, in our opinion.

Three cents per pound is \$15 per bale; 35 cents per hundred pounds, the old rate, is \$1.75 per bale. This new rate is \$15 per bale, and this is not to a German port but to British ports; Great Britain has control of the sea, and there is no danger of capture.

Then, here is one from Frank F. Fee, president of the Fee-Crayton Hardwood Lumber Co., in which he says:

It is now a serious menace to our business by reason of our inability to get reasonable and in some cases our inability to get any ocean rates on our production of hardwood lumber. We usually ship through the

port of New Orleans to British and continental ports. The writer has been to New Orleans personally and is informed by the steamship agents that they are receiving a tonnage of cotton and wheat and other commodities for the belligerents at such high rates and at such easier loading and unloading that they make tremendous profits for their vessels, and they do not want to take lumber tonnage—

That ought to interest the Senator from Washington, who comes from a lumber State—

We can say that we have before us inquiries for many carloads of lumber which could be shipped immediately, provided reasonable rates could be had. * * * Further, one of the steamship agent's commission for a single month was \$25,000.

That is the agent's commission. That shows you what money they are making.

Here is one from M. B. Nelson, general sales manager of the Long-Bell Lumber Co.:

I inclose a quotation from ship brokers issued under date of December 26, showing rates have advanced more than 300 per cent.

Here is one from a provision and packing company:

We are exporters of provisions, etc., to Hamburg, Germany; Rotterdam, Holland; London and Liverpool, England.

Now, mind you—

Early in 1914 we signed contracts covering rates on export freight to London and Liverpool via Atlantic Transport Line and White Star Line from New York, with J. D. Roth, general western freight agent of the above-named lines, in which we are named ocean rate of 20.5 per cent per gross ton. These rates have been raised 10 per cent per gross ton since the beginning of the war.

That is with regard to shipments to Liverpool and London—no German cruisers at sea; no mines on that route.

The Chattanooga Wheelbarrow Co. writes to the same effect.

H. F. Heilman, treasurer of the Levi Smith Co. [Ltd.], lubricating-oil manufacturers at Clarendon, Pa., writes as follows:

Our export business with foreign countries has been quite heavy in past years, and Rotterdam was one of our principal ports and generally made contracts with the Holland-American Line at Baltimore to cover all our shipments to this port during the year. When our contract expired in 1913, we did not think it wise to renew the same at the then high rates, and held back, preferring to ship on the open market; but in March the Holland-American Line insisted on us closing a contract for the year 1914 or else pay the highest open-market rate, making a difference of about 4 cents per hundredweight at that time, and with great reluctance we finally consented to cover our shipments to this port by another contract for the year. * * * Also, inclosed copy herewith of their letter to us dated November 4, notifying us of disregarding that contract and asking an advance of 50 per cent. * * * This contract rate was 22 cents per hundredweight for the year, whereas their latest advice (a few days ago) the rate had advanced for shipments of this commodity to Rotterdam to 70 cents per hundredweight, which is simply outrageous.

Here is one from Brown & Adams, wool commission merchants. They say that the increase has been 150 per cent.

Here is one from Ike Manheimer, engaged in dealing in green and dried apples. He says that they are having much trouble in securing space at all, and that the freight on fresh apples in barrels is equal to the value of the apples.

Here is a letter from the American Vulcanized Fiber Co. That does not make any difference, because that enters into contraband business, I suppose.

Here is one about glue. There is the same complaint there.

Here is one from E. P. McBurney, vice president of the Empire Cotton Oil Co., in which he says that they are experiencing trouble in booking shipments and that inquiries develop that shipowners have restricted their vessels almost exclusively to cotton by charter or at very high rates, because they are getting \$15 and \$17 a bale. Hereafter you will see that where they ship to Germany they are getting \$17.50, and \$15 to Great Britain.

The Phoenix Iron & Steel Co., of Galveston, Tex., writes to the same effect.

Stengel & Rothschild, tanners and manufacturers of patent leather, make their shipments to Italy. They say:

We are experiencing considerable difficulties with shipments of our goods to Italy. The normal freight rate for patent leather in cases has been 50s. per ton, with possibly 5 per cent primeage, but we have just been asked a rate of 120s. plus 5 per cent for the same class of freight.

That is nearly 150 per cent increase.

L. & E. Frenkel, importers of electrical specialties, write along the same lines.

J. D. Kremelberg & Co., of Baltimore, say that the freight rate on tobacco has been raised from \$4 per hoghead to about \$27, or nearly 3½ cents a pound, so that tobacco shipments have become out of the question.

R. M. Bryan, eastern manager of the Black Diamond, New York, N. Y., December 30, 1914:

This business—the coal industry—has been almost prostrated by the inability of shippers to secure vessels and upon terms that will permit them to make shipments.

McEwan Lumber Co., Azalea, N. C., December 29, 1914:

Would say that for our part the present rates are practically prohibitive, as they have advanced 10 cents and 15 cents per hundredweight, and in many cases even these rates are not protected except

for immediate acceptance and subject to confirmation by steamship lines. * * * It is our information that the steamship companies are giving other tonnage carrying higher freight rates preference, and in some instances are limiting their boats to a certain small amount of lumber tonnage.

Another from Henry Lauts & Co., Baltimore, Md., December 29, 1914:

The present rates charged by this line—the Holland-American Line—are almost prohibitive, and are a decided menace to the tobacco export industry of this country.

V. F. Holmes, estate of Victor Holmes, deceased, exporter of zinc oxide, Boston, Mass., December 28, 1914:

Since the European-war situation developed this business has been very considerably hampered by a number of conditions, among them the scarcity of freight vessels, exceedingly high rates of exchange, and what is more important, the freight outlook for 1915.

R. R. Dancy & Co. (cotton), Houston, Tex., December 26, 1914:

Last week brokers asked \$17 per bale freight to Germany—Bremen. Now \$14.

I said a moment ago it was \$17.50, I believe; but I was mistaken, it was \$17.

Here is a letter from Danforth Geer, president Walter A. Wood Mowing & Reaping Machine Co., Hoosick Falls, N. Y., January 9, 1915, containing a statement that it is very difficult to get tonnage at all, and expressing the hope that some measure may be enacted or some policy created which will relieve the present situation in time to affect their business interests this year.

Here is one from Meyer Hecht, a dealer in skins and hides in New York, who says:

I, too, want to protest that the steamship lines are charging me two or three times as much as formerly and then do not give me room for my shipments.

Dumee, Son & Co., cotton, Philadelphia, Pa., December 29, 1914:

We wish to enter strenuous protest against the prohibitive freight rates being charged by the trans-Atlantic lines on cotton and cotton linters to European ports. * * * One year ago we paid a rate of 45 cents and 50 cents per hundred pounds on compressed and uncompressed cotton linters, respectively, from New York to Rotterdam. To-day we are asked \$2.50 and \$3 per 100 pounds.

This is a very low quality of cotton, taken off the seed after the cotton is ginned on the plantation. It is taken off at the cotton-oil mill and is worth 2 to 4 cents a pound. Note the freight rate is 2½ to 3 cents a pound—almost fully the value of the product.

Gabriel Nachman, wool stock, New York, N. Y., December 28, 1914:

We are large shippers of woolen rags. * * * Steamship companies have advanced their freight rates from one-fourth cent per pound to \$1.10 per hundred pounds, and even at that rate they refuse to take rags; therefore have not been able to ship any for export in over four weeks.

Here is one from C. Stallings & Co., Lynchburg, Va., tobacco exporters.

Here is another from A. P. Husband, secretary Millers' National Federation, Chicago, Ill.

There is attached a tabulated statement of ocean freight rates on flour published by the International Mercantile Marine from several American ports to London, Aberdeen, and Liverpool. You will note that it gives the general freight rates from the named American ports to ports in the United Kingdom—mind you not to Germany or Austria—advanced 100 per cent; not a German cruiser to capture it and not a mine to bother them.

Panama Railroad Co., January 15, 1915. A Government concern, which must have coal to defend the canal and to keep up construction and repair work.

Our stock of coal has been reduced from 90,000 to 40,000 tons, and both the Earn Line and our company are scouring the charter market in the effort to secure sufficient tonnage to carry to the Isthmus the amount of coal it is imperative we should keep there.

Mr. GALLINGER. Will the Senator allow me to ask him a question?

Mr. WILLIAMS. Yes.

Mr. GALLINGER. I have not seen the last draft of the bill—the third edition, I believe it is—but I read that the proposition is that an additional \$10,000,000 may be issued, making \$30,000,000 in all.

Mr. WILLIAMS. It was unlimited in the first draft. It is limited to \$10,000,000 now.

Mr. GALLINGER. Inasmuch as there are hundreds and hundreds of steamships plying the Atlantic, does the Senator think that 25 or 30 steamships would very materially change the rates of transportation?

Mr. WILLIAMS. Yes; I do; but, in addition to that answer, our bill would give many more than 30 ships. Freight ships do not cost a million and a quarter of dollars apiece.

Mr. GALLINGER. England has 12,000 cargo ships, I believe; so the number we propose is negligible.

Mr. WILLIAMS. I have known one tramp steamer that went into the ports of New Orleans and Savannah and lowered the rate of freight on cotton immediately.

Mr. GALLINGER. For the moment.

Mr. WILLIAMS. And then another thing: Do not forget, the shipowners, although in temporary combination, are pretty well frightened by the idea of the United States going into this sort of policy permanently. As far as I am concerned, I hope to heaven it never will; but they are afraid the United States will go into it, and they are going to reduce freight rates and try to prevent it and make the venture upon the part of the Government a losing venture, and, if they do make it a losing venture, then the people will profit by the Government's loss.

Mr. GALLINGER. I have noticed it is the opinion of a distinguished expert that to have ships enough to transport our products to foreign countries and bring back our imports it would take at least \$600,000,000 to purchase the ships.

Mr. WILLIAMS. I do not know about that. I have not looked into it satisfactorily, but I have looked into it far enough to be able to state, I think, that it will not take that much. But that has nothing to do with this measure. It would take a large amount of money in comparison with \$40,000,000, but not that much. That was one of the statements made by interested parties hostile to this legislation, like a statement made on the same authority by a Senator here on the floor that there was a surplus of tonnage lying all around, from which he inferred that we did not need this legislation. But, Mr. President, I have quoted most of those freight rates, and I have here a summary of the most striking increases which I think would abbreviate the thing very much in the RECORD, and I shall now, if the Senate agrees, insert the summary instead of these items.

Mr. JONES. I would like very much to hear that. This has been very valuable information.

Mr. WILLIAMS. The Senator is not going to hear it at this time. It is a mere matter whether the Senator desires it to go in the RECORD instead of the freight rates which I read, or whether he would rather the longer citation of items I have read should go into the RECORD.

Mr. JONES. I have no objection to whatever the Senator has read going into the RECORD.

Mr. WILLIAMS. I can not read the short one, too.

Mr. JONES. I object to anything being put into the RECORD without reading, because I do not have time to read the RECORD now, with what I have to do, and so I like to hear it on the floor.

Mr. WILLIAMS. All right.

Mr. STONE. Mr. President, it is not my purpose to discuss the merits of the shipping bill. I am assembling some data and authorities upon which I mean to predicate and support some remarks I purpose to make on the bill at an early day. I arise now merely to correct a statement made more than once by the senior Senator from New York [Mr. ROOR], and which he repeated to-day, as to some remarks I made about forcing this bill so as to prevent a fair discussion of it, boasting that we had or thought we had votes enough to pass the bill. The statement as made by the Senator from New York was not in any sense warranted by anything I said, either by the text of what I said or by any construction of it that would not be strained and extremely remote from the facts.

Mr. President, there is not now and there has not been, so far as I know or believe, any purpose on the part of any Senator on this side to restrict a fair, sensible, and even ample discussion of the pending bill. I readily concede that a measure of this importance should be discussed until the attitudes of Senators who are for it and who are against it have been sufficiently made known. But, Mr. President, when we are confronted by a situation clearly showing an organized purpose on the part of Senators on the other side to go much further than is necessary in all reason to amply debate the measure and to carry on a studied course of obstruction under the guise of debate, with the ultimate view of defeating a vote, then I do not hesitate to say that Senators are abusing the privilege they are allowed for freedom of debate under the rules of the Senate.

The Senator from New York [Mr. ROOR] read us, as he is accustomed to do, a lecture on absenteeism, inattention, lack of interest in the debate. Mr. President, I am in sympathy with what the Senator said in that behalf. I wish he could castigate Senators severely enough, particularly Senators on this side of the Chamber, to make them out of a sense of shame, if not of duty, remain here in the Chamber while the public business is being transacted, or at least remain within the immediate call of the Senate.

But I question, Mr. President, whether the Senator from New York would undertake the task of inducing Senators to stay here if he thought he could succeed. I doubt whether he would be delighted if he saw every Democratic Senator in his seat throughout each day, for if that were so less opportunity would be given to filibustering Senators on the other side to take advantage of their absence.

The Senator from New York has not honored his colleagues with his presence overmuch. He complains of the absence of Senators, but he does not set them a good example by being present. He teaches by precept, not by example. Scarcely had he closed his address this morning until he fled the Chamber. His beatific countenance has not beamed upon us since, and probably will not during the remaining tedious hours of this session. Where is he? I can not answer that question. It may be that he is enjoying a well-earned leisure, reflecting upon the honors he won here this morning by his great oratorical outburst. He may have left for New York. He may be now flying to the metropolis to hold discreet converse with some of his constituents, to devise new methods of embarrassing the progress of this legislation. I do not know where he is; perhaps his immediate whereabouts is not a matter of impressive importance.

The senior Senator from Massachusetts [Mr. LODGE] indulged in a like tirade a day or two ago, upbraiding Senators upon this side who did not sit here to listen to the addresses delivered by distinguished Senators such as Senators ROOR, WEEKS, and others he named. Since the 4th day of January the RECORD shows that numerous roll calls have been had.

Mr. REED. Fifty-five.

Mr. STONE. My colleague says 55. The Senator from Massachusetts [Mr. LODGE] voted or was present 36 times and was absent or not voting 19 times. The Senator from New York [Mr. ROOR] was present, as shown by these roll calls, 28 times and away 27 times. The junior Senator from Massachusetts [Mr. WEEKS] was present 27 times and away 28 times; and yet from these sources we hear complaints that we do not sit here to listen to these debates and participate by our presence in the current business of the Senate. That record, Mr. President, shows the utter emptiness and insincerity of these criticisms.

Mr. President, I now come directly to the matter to which I arose to address myself. It will take but a few moments to dispose of it. On the 4th day of January the Senator from New York [Mr. ROOR] said:

Sir, there has been no discussion here since I have been in this body so imperative in its demands upon the Members of the Senate as the discussion of this bill. There has been no measure going so deep to the basis of our institutions as this bill. It comes here, sir, under circumstances which are repugnant. There was no hearing before the committee of the House on such a measure as we have before us. There was no hearing before the committee of the Senate. The demand for a hearing was refused, and the bill was reported speedily, peremptorily, with but slight opportunity for discussion; and now, sir, the Senator from Missouri [Mr. STONE], in advance, with some show of feeling, which I know was evanescent and which, I trust, does not even now continue, has stigmatized all discussion of this bill on the part of the minority as—what were the words?—"improper and unjustifiable."

The Senator from Florida [Mr. FLETCHER], with that kindness and fairness which always characterize him, has told us that there was no disposition to interfere with the debate on this bill, but the Senator from Missouri [Mr. STONE] in advance gives notice to the country that the debate on this bill is to be regarded as obstructive, improper, and unjustifiable.

Now, let us see what foundation there is for that. Whatever of foundation there is for it is to be found in a colloquy in which I participated, recorded in the second column of the CONGRESSIONAL RECORD of January 4, at page 906. This colloquy occurred just before the Senator from New York made the speech from which I have quoted. The Senator from New Hampshire [Mr. GALLINGER] had the floor when the Senator from Washington [Mr. JONES] arose and asked recognition. I now quote the colloquy.

Mr. GALLINGER. I yield the floor.

Mr. JONES. I wish to suggest to the Senator from New Hampshire something of which he is probably aware as indicating the character of argument and the means the other side intend to use to put this bill through. The majority leader of the Senate was quoted as having said immediately after the President's message with reference to this bill, "We have the votes to put it through."

Mr. GALLINGER. I observed that, and I have had it whispered in an ear that always serves me well that, assuming they have the votes, they are going to resort to tactics which will be opposed as strenuously as possible, so far as a few of us are concerned, at least.

Mr. STONE. Mr. President, we have the votes to put it through if ever we can get a chance to vote. Unless Senators on the other side adopt some plan or scheme of inexcusable and unpardonable obstruction we will get to a vote, and we have the votes to pass the bill.

Mr. GALLINGER. If the Senators on this side should resort to the same tactics that the Senator's colleague resorted to on the immigration bill, would he think that that was very much to be condemned?

Mr. STONE. Mr. President, I am not discussing what occurred on other bills or what individual Senators have done. It is rather an impertinent

question for the Senator to propound, and I think an improper one, to ask me to animadvert upon the conduct of any Senator, and particularly on that of my own colleague. I am speaking as to this bill. I am answering the statements made in the form of criticism by the Senator from Washington and the Senator from New Hampshire.

Mr. GALLINGER. The Senator is oversensitive.

Mr. STONE. No; I am not at all.

Mr. GALLINGER. The Senator has on more than one occasion, with a great deal of earnestness and with some acerbity, during the past few months charged this side of the Chamber with unduly and improperly obstructing legislation. Now, Mr. President, for one, I propose to be the judge of my own conduct in this matter, and I shall pursue such a course in the debate on this bill as I think the importance of the measure demands at my hands.

Now, what is there in any statement that I made—and I have read it all—that justifies the Senator from New York or any other Senator asserting and reasserting that I had stated "with some show of feeling" that "the discussion of this bill on the part of the minority would be improper and unjustifiable," or to justify the Senator in saying that I had declared in advance that debate on this bill is to be regarded as obstructive, improper, and unjustifiable? I said no such thing, and I had no such idea in mind when I made the declaration which the Senator misquoted and criticized.

I meant to say then, and I assert now, that I am in favor of full, fair, and free discussion; but when Senators conduct an organized, determined, and practically admitted filibuster to prevent a vote, then I do say that such so-called debate is unjustifiable and improper.

If this be treason, make the most of it.

Mr. President, if there be no particular reason to the contrary, I move that the Senate now proceed to the consideration of executive business.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. I withhold the motion for a moment, in accordance with the wishes of the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I want to make a few observations and a suggestion. I do not wish to unnecessarily delay the motion of the Senator from Missouri, but if I should not do what I have in mind now at this time probably it would be inopportune at some other time.

I want to call the attention not only of the Senate—and that is unnecessary—but I want to call the attention of the country to the fact that when the Senator from New York [Mr. ROOR] rose to address the Senate this morning, and during the entire time that he occupied the floor in addressing the Senate, he had the attention of a full house, both on this side of the Chamber and on the other side of the Chamber. I want to say that, as is known to the Members of the Senate, the Senator from New York never indulges in dilatory discussion; and whenever the Senator from New York or any other Senator on either side of the Chamber on this question or any other question rises here for the purpose of real, genuine, honest discussion he is very apt to get serious attention from both sides of the Chamber. Certainly nothing has developed in this debate that indicates that when a Senator is really discussing a question with the purpose of enlightening the Senate and not for the purpose of consuming time he has not had as good attention on this subject as he had ordinarily upon other questions.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. If the Senator will pardon me, I am trenching a little upon the purpose of the Senator from Missouri [Mr. STONE], and I would rather not yield.

Mr. SMOOT. I simply rose to ask a question, and perhaps the Senator would like to correct his statement after I have asked it.

Mr. SIMMONS. Probably.

Mr. SMOOT. I simply wanted to ask the Senator if he believes the Senator from Iowa [Mr. CUMMINS] was discussing this question with any intention whatever of a filibuster?

Mr. SIMMONS. The Senator from Iowa had just as good attention in the discussion of this subject as he would have had if he had been discussing any other subject before the Senate.

Mr. SMOOT. That, of course, is another question, Mr. President; but I wanted to say to the Senator—

Mr. SIMMONS. That is the proposition that I laid down—that nothing has occurred in connection with this debate that indicates that a Senator who is engaged in honest discussion will not get as good a hearing upon this question as he ordinarily gets upon any other question.

Mr. SMOOT. I simply want to say that the Senator from Iowa discussed this question for over a couple of hours, and for the greater part of that time there was not to exceed two Senators upon the other side of the Chamber.

Mr. SIMMONS. That does not militate at all against the proposition that I laid down. The suggestion of the Senator from New York was that this side of the Chamber had refused to give a hearing to discussion from the other side of the Chamber; that there was on this side of the Chamber an organized conspiracy of silence; and I am saying now only that when a Senator on the other side rises to discuss this question in the way of honest and fair debate he will get just as good and fair a hearing from this side on this question as he would on any other important question; but on this question or any other question that may come before the Senate, speaking out of my experience since I have been a Member of the Senate—and that has been for 14 years—when it is thoroughly understood in the Chamber that a Senator is speaking merely for the purpose of consuming time, for the purpose of obstructing legislation, Senators on both sides of the Chamber have generally retired to the cloakrooms.

Mr. President, we have had some speeches here from Senators after they had been advertised in the press of the country, after it had been proclaimed in a leading newspaper published in this city that we were to have speeches from certain Senators who had won a reputation for filibustering legislation to death. When those speeches were being made they did not have any greater audience on the other side or on this side than has heretofore been accorded men who it was known were engaged in the purpose and work of obstructing legislation.

The Senator from New York has complained of what he calls the "fiction of the legislative day." He has charged that it has been inaugurated for the purpose of forcing through this legislation by brute force. Why, Mr. President, this is not the first time the Senate has pursued that course of procedure. Repeatedly in recent years, both this side of the Chamber when it was responsible for legislation and the other side of the Chamber when it was responsible for legislation which for any reason it was sought to facilitate or which was threatened with defeat by obstructive tactics have, for the purpose of promoting legislation and securing a vote upon a measure, adopted this legislative-day fiction for the purpose of getting rid of the morning business and saving two hours daily in the discussion.

The Senator says we have adopted this fiction for the purpose of forcing through this legislation by brute force. I want to say to Senators on the other side of the Chamber that I could say with as much plausibility and with as much justification that the course which they are now pursuing has been adopted for the purpose of defeating this legislation by brute force.

Mr. MARTINE of New Jersey. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. I want to make a suggestion in connection with that, and I wish the Senator would let me do that, and then I will yield to him.

Mr. MARTINE of New Jersey. Very well.

Mr. SIMMONS. If the Senators on the other side agree with the Senator from New York that we have a "conspiracy of silence" on this side of the Chamber, and that that conspiracy of silence grows out of the fact that we are unwilling to debate this question, to meet the arguments made upon the other side—if the Senator has that idea, and if, on the other hand, it is not the purpose of the Senators on that side of the Chamber to filibuster this measure to death, I have a proposition to make to them. It has been stated in the press that it is the deliberate purpose of Senators on the other side of the Chamber to debate this question until the 4th day of March rather than to permit a vote upon it. It has been stated in the press that you have held a caucus and that you have selected 25 Senators on that side who are to keep the floor, if necessary, until this measure is defeated, if it takes until the expiration of the session under the Constitution.

Mr. GALLINGER. Mr. President—

Mr. SIMMONS. Just a minute; let me make my proposition. If that is not the purpose of Senators, if it is not their purpose to filibuster this legislation to death, if Senators want honest debate on this side of the Chamber as well as on that side of the Chamber, I make this proposition to the Senator from New Hampshire, the leader of the other side, and I think it will be acquiesced in by my colleagues:

We will agree right now, if that side of the Chamber will consent, to a rule that this debate shall be continued for 10 calendar days; that the time of debate shall be divided equally between that side of the Chamber and this side of the Chamber, and that we will occupy our part of the time, if you will enter into a unanimous-consent agreement that at the end of that 10 days we may vote upon this measure. We have 7 hours of session each day under the plan we are operating upon.

That will amount to 70 hours of debate, or an hour apiece for 70 speeches or 2 hours apiece for 35 speeches. That ought to be enough for honest and fair and legitimate debate.

Will the Senator agree to that? Or is it the Senator's purpose and the purpose of his party to continue this debate, if it is necessary to prevent a vote, until the 4th day of March next?

Mr. GALLINGER. Before responding to that question I want to ask the Senator what reckless newspaper it was that said that the minority had held a caucus and had selected 25 Senators to make speeches?

Mr. SIMMONS. Probably I should have said that with reference to the first statement I made. If I said a newspaper published the other statement, probably I was mistaken. I have heard that around the Chamber.

Mr. GALLINGER. Mr. President, the majority side of this Chamber has held caucuses day and night. The minority had a little conference, covering about half an hour on one day.

Mr. SIMMONS. I am not objecting to your conference.

Mr. GALLINGER. And they made no such arrangement as the Senator suggests.

Mr. SIMMONS. I am glad to hear the Senator say they have not.

Mr. GALLINGER. They have not.

Mr. SIMMONS. Will the Senator answer me with equal frankness as to whether it is the purpose of himself and his colleagues to continue this debate until the 4th of March, if it is necessary, to prevent a vote upon this question?

Mr. GALLINGER. Mr. President, I hope the majority will see the propriety of taking up the great supply bills of the Government and passing them first.

Mr. SIMMONS. Does the Senator decline to answer that question?

Mr. GALLINGER. No, Mr. President; I never decline to answer questions. I will say to the Senator that I have not occupied any time in this debate. I propose to occupy such time as I think is proper. I shall discuss the question of Government ownership. I shall discuss the question of the merchant marine. I shall discuss the new question that has been projected into this debate by the majority side of invading the domestic commerce of the United States with these foreign ships—a matter that we voted against 2 to 1 at the last session of Congress. I shall discuss those questions in my own time and in my own way and take as much time as I think is proper to present them adequately. I do not speak for any other man on this side of the Chamber.

Mr. SIMMONS. I shall hear the Senator with great pleasure, and as I think probably he will indulge only in honest discussion. I think he will have a pretty good audience; but that does not answer the question I asked.

Mr. GALLINGER. I do not expect an audience; and now, in answer to the Senator's question, I shall object to closing this debate in 10 days.

Mr. SIMMONS. Does the Senator mean by that that it is the purpose of his side of the Chamber to continue this discussion until the 4th of March, if it is necessary, to prevent a vote on this measure?

Mr. GALLINGER. I do not say that, because I do not know it to be the purpose.

Mr. SIMMONS. Does not the Senator think that is the purpose? Has not the Senator reason to believe that that purpose has been agreed upon?

Mr. GALLINGER. I know that it has not been agreed upon.

Mr. SIMMONS. Has not the Senator reason to believe that that is the fixed purpose of that side of the Chamber?

Mr. GALLINGER. I am not a mind reader, and I am not going to judge what my colleagues think about it.

Mr. SIMMONS. The Senator evidently does not desire to answer that question.

Mr. President, I think nobody in the country seriously doubts that it is the purpose of the other side to continue this discussion until the 4th of March if that is necessary to prevent a vote. In those conditions, Mr. President, I hope and I trust that this side of the Chamber will not aid them in that filibuster. If they think 10 days is not enough, then I think we will enlarge that and make it 15 days. If they will agree to that, Mr. President, then we will join in the discussion with them; but as long as the discussion is for the purpose of filibustering this legislation to death, and nothing else, we are not going to help them any further than is necessary in order to put our side of this controversy before the country.

Now, Mr. President, one other matter. The Senator from New York [Mr. Root] sought to create the impression that this legislation was for the purpose of enabling the Government to buy these belligerent vessels that are interned in our waters;

and in order to support that argument he made the point that contemporaneously, either immediately before or immediately after the introduction of this bill, there was presented to the Senate of the United States a written opinion of the Solicitor for the State Department, Mr. Cone Johnson; that these two documents, so far as concerned ascertaining the purpose of the Senate committee with reference to confining these purchases to interned vessels, were to be read together and the Cone Johnson document taken as a part of the *res gestae*.

Mr. President, I have taken the pains to look up that matter. I find, as a matter of fact, that this opinion of Mr. Cone Johnson was prepared on the 7th day of August. On the 11th day of August, while we had up for consideration in the Senate what is known as the ship-registry bill, in connection with which a discussion of these questions had been had in the Senate, I presented to the Senate this opinion of Mr. Cone Johnson and had it read into the Record. The bill that the Senate now has under consideration was not introduced in the House until the 4th day of September, or nearly a month after Mr. Johnson's opinion was presented to the Senate, and was not introduced in this Chamber until the 9th day of December, as I now recall; so that the two have no relation whatsoever.

Mr. President, the opinion of Mr. Cone Johnson has been assailed. I am not undertaking to say that Mr. Cone Johnson has interpreted the law with absolute accuracy, but I do mean to say, upon the point raised by the Senator from New York, that Mr. Cone Johnson's opinion was only to the point that the London conference had simply changed the former rule so as to throw the burden of proof upon the purchaser in certain cases, whereas theretofore it had been upon the captor. In certain conditions under the old law there was a presumption in favor of the purchaser, but it was a rebuttable presumption. The burden was upon the captor to rebut that presumption. The London conference changed it so as to make it a presumption against the purchaser in certain cases, but only a presumption, and the only change in the rule was that the burden of rebutting the presumption was thrown upon the purchaser instead of upon the captor, as theretofore.

Mr. President, it is attempted in the discussion to-day to get away from the real merits of this controversy, by trying to focus the minds of the Senate and of the country upon the idea that we are seeking to buy interned ships; that the purpose of the Government in presenting this legislation is to get these ships, because possibly they can be purchased at this time at a low price, and that that is the main moving purpose with reference to this legislation.

I wholly repudiate that suggestion. We are not limited to interned ships. We may build ships. We may buy ships from others than the Germans or the Austrians. I think I can say, and I think I can say it truthfully, and I think the country will bear me out in the statement, that when the Senator from New York says that the effect of this legislation will be, not to buy ships, but to buy a quarrel, he impugns the high standards as a friend of peace—peace upon this continent and peace throughout the world—of the man who sits in the White House, and who will have control of this business. He has not received any Nobel prizes as a friend of peace, but his record during the last few months, his record since trouble broke out across the border to the south of us, his record since the Old World was engulfed in war, has been a record of peace, a record of conciliation, the record of a man who so longed to see his countrymen and his country at peace with the world that he would submit to what possibly others not so inclined toward peace would not have submitted to. I am sure no man who is familiar with this man's record, no man who appreciates his purpose and his efforts in behalf of peace, will impute to him any purpose to secure or desire to secure legislation that might result in the purchase of a quarrel. No one will impute to him the purpose, if he has the power to prevent it—and he has the power, under this bill—to do anything in the execution of the powers conferred upon him by this measure that in his judgment would result in embroiling us in war with another country.

No, Mr. President! I join the Senator from Mississippi [Mr. WILLIAMS] in the statement—and the country will believe that statement, because they know who Woodrow Wilson is, because they know his record and his history and his feelings upon this subject—that if this legislation passes, none of those interned vessels will be purchased until it has been first ascertained, in the proper way and through the proper channels, that the purchase of the vessel will not lead to war or to entanglements out of which war might be evolved.

Mr. MARTINE of New Jersey. Mr. President, I feel that the Senator from New York [Mr. Root] was rather unfortunate and ungenerous, too, in his charge of absenteeism upon the part

of the Democratic side of the Senate during the discussions of this ship-building bill.

It has been my honor and privilege on a number of occasions, through the graciousness and courtesy of the Vice President, to occupy the Presiding Officer's chair. I will say that I have been quite assiduous in my attendance upon the sessions of the Senate, and I think that will be agreed to by the Senators on the other side, and I believe justly by the Senator from New York. It has been my habit, I will say, while I was occupying that chair, sometimes to jot down various thoughts on various subjects; and this happened on January 20, 1915, during the discussion of the ship-building bill:

Senator BURTON now speaking on the ship-building bill. At this time, 1.45 p. m., there are in the Chamber two Republican Senators and five Democrats. BURTON has now spoken over 3 hours to-day. Yesterday he spoke 6. He seems as fresh as when he started.

[Laughter.]

So, I say to my Republican friends, the archives—the records—will deny your statement. The facts are that the Democrats have been in attendance quite as assiduously as have the Republicans during this debate. I have felt sometimes that the discussion was worthy of a little more liberal attendance, but we were thankful for what we got.

I want to say for myself at this time that I have no particular desire to air my views on this question again, but I hail a ship-building bill with the greatest delight. I have been an advocate of Government transportation for many years of my life, and I hail with delight this opportunity to vote for a ship-building bill. There were many features in the bill originally that I did not like. Thank heaven, they have been eliminated. One of them was the feature that we were to blaze the way and finally transfer these ships to some private corporation. Then, too, I wish, instead of the shipping board, the Government might deal directly with this controversy and buy ships or build ships and run them or sell them.

The Senator from New York this morning made some reference to the matter of profit. It is a horrible thought that the only way to bring a matter home to the Government is through dollar bills and coin. To me it is repulsive. I can not imagine a system whereby the Government should go in it to make money out of the people. I would that the blessings of the Government through transportation as well as in many other channels might be handled by the Government. I believe it would be to the advantage and to the well-being of our whole land.

I believe that this bill is a popular measure and one much needed at this particular time, and I might hope that we may so intrench and establish ourselves that the thought of ever eliminating this from the matters of Government may be in the vague and distant future. I shall vote for this bill with a great deal of relish, hoping that some day the shipping-board feature of it may be eliminated. My friends, I say to you, Republicans and Democrats, this will be one of the most popular measures that has ever been placed on the statute books and future generations will rise up and bless you for this beneficent piece of legislation.

While I am on my feet I will say that I have in my hand an address delivered by Mr. George W. Norris in Philadelphia, December 29, 1914, touching this question, that to me is unanswerable, and I ask without reading that I may have the privilege of presenting it as a part of my remarks in the Record.

The VICE PRESIDENT. Is there any objection?

Mr. JONES. Is it an address by our colleague from Nebraska?

Mr. MARTINE of New Jersey. It is not.

Mr. NORRIS. I have just come into the Chamber, and I understood the Senator from Washington to ask a question.

Mr. JONES. I merely wanted to know whether the address referred to by the Senator from New Jersey was delivered by the senior Senator from Nebraska.

Mr. NORRIS. No.

Mr. MARTINE of New Jersey. It is by another gentleman named Norris.

Mr. JONES. Then I object.

Mr. MARTINE of New Jersey. I would be proud if it had been delivered by the senior Senator from Nebraska, but when the time comes and he may have had an opportunity to express himself as the gentleman from Philadelphia did express himself I trust and hope he will do it in more potent terms and make a more indelible impression by voting for the measure.

Mr. JONES. I would be glad to hear the address read, but I do object to having it printed without reading.

Mr. MARTINE of New Jersey. All right; let it go.

The VICE PRESIDENT. There is objection.

Mr. FLETCHER. The Senator from New Hampshire [Mr. GALLINGER], I believe, desires to proceed. I inquire of him whether he would prefer to begin to-morrow morning? I believe there is some executive business that is quite important, and it can be attended to this evening. If the Senator would like, we can postpone hearing him until to-morrow morning.

Mr. GALLINGER. It is quite agreeable to me to have the executive business transacted. I think it is as important.

Mr. FLETCHER. I will say further that it is my purpose to ask this evening that we adjourn to allow a reasonable time to-morrow morning for morning business. I want to go on with this bill just as fast as we can, and unless there is too much time being consumed I probably will not ask to have the Senate take up the bill at once, but will allow some reasonable time for morning business to-morrow morning before making that motion.

Mr. CLARK of Wyoming. I suppose if we adjourn the regular business hour will occur?

Mr. FLETCHER. I know, but it would be in order for me to move to take up the bill before the expiration of the morning hour.

Mr. CLARK of Wyoming. Surely.

Mr. FLETCHER. I think it important to do so with a view of facilitating the public business and accommodating the Senator from New Hampshire.

DISTRICT EXCISE BOARD.

Mr. JONES. Mr. President, in the discussion of the District of Columbia appropriation bill, on page 1700 of the Record of January 16, this occurred:

Mr. GALLINGER. Mr. President, with the Senator's permission, I will ask if the President did not appoint two members of that board, and when their characters were called to his attention were the names not withdrawn?

Mr. JONES. He did so very promptly, and I wish he had withdrawn the others. I should say that one of the names was withdrawn not because of the character of the appointee, but because he had been a most open and determined opponent of the law.

That refers, of course, to the members of the excise board. I do not want any injustice done to anyone, and while I would rather not by giving the name of one of the parties, thereby possibly reflect to a certain extent upon the others, I do feel that in justice to one of the gentlemen against whom no charges as to his character were made that his name should be put in the Record so as to make that fact clear. The one against whose character no charges were made was Mr. John B. Colpoys.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19422) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. Sisson, and Mr. DAVIS managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 19076) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message further announced that the House had passed a bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions of the House on the life, character, and public services of the Hon. ROBERT G. BREMNER, late a Representative from the State of New Jersey.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 6121. An act to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara and State of New York; and

H. R. 19076. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented petitions of sundry citizens of Batesville, Ark., praying that an appropriation be made for the construction of seven locks and dams on the upper White River above Batesville, Ark., which were referred to the Committee on Commerce.

Mr. PERKINS presented petitions of sundry citizens of Los Angeles and Fresno, in the State of California, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an investigation by the United States Reclamation Service of the irrigation project of the Victor Malley Mutual Water & Power Co., which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Board of Supervisors of Solano County, Cal., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted at the Thirty-fourth Annual Convention of the American Federation of Labor, in Philadelphia, Pa., praying for the enactment of legislation to extend the boiler-inspection laws, which were referred to the Committee on Interstate Commerce.

Mr. WARREN presented a petition of sundry citizens of Burns, Wyo., praying for the enactment of legislation to enable the President to levy an embargo on exports of war materials, which was referred to the Committee on Foreign Relations.

Mr. BRISTOW presented petitions of sundry citizens of Canada, Garden City, Gaylord, Hoxie, White City, Logan, Herington, Stuttgart, Russell, Deersfield, Herkimer, Kansas City, Inman, Lincolnville, Alma, Clay Center, Bremen, Barnes, Hanover, Waterville, Linsborg, Seguin, Linn, Arkansas City, Garden Plain, and Cheney, all in the State of Kansas, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Baldwin, Webster, and Webber, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the Philippine Islands, which were referred to the Committee on the Philippines.

He also presented petitions of sundry citizens of Lawrence, Topeka, and Newton, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Kansas City, Kans., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Galena, Kans., remonstrating against the exclusion of anti-Catholic publications from the mail, which was referred to the Committee on Post Offices and Post Roads.

He also presented sundry papers to accompany the bill (S. 5818) granting a pension to William H. Hayes, which were referred to the Committee on Pensions.

Mr. SHIVELY presented petitions of the Typographical Union of Richmond, the Typographical Union of Elkhart, and the Central Labor Union of Elkhart, all in the State of Indiana, praying for the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in convict-made goods, which were ordered to lie on the table.

He also presented memorials of O. B. Sandifer, G. T. Werner, Lee N. Fanning, and sundry other citizens of North Manchester, Ind., remonstrating against the adoption of a proposed amendment to the Post Office appropriation bill relative to the transmission of obscene matter through the mail, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Woman's Foreign Missionary Society of the Trinity Methodist Episcopal Church, the South Side Chapel of the Evangelical Church, the Standard Bearers of Trinity Methodist Episcopal Church, the Young People's Association of the South Side Evangelical Church, the Young Woman's Christian Association, the Riverside Christian Church, the Riverside Club, the Thursday Club, the Woman's Franchise League, the Woman's Missionary Society of the First Evangelical Church, and the Missionary Society of the First Congregational Church, all of Elkhart, in the State of Indiana, praying for Federal censorship of motion-picture films, which were referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Wyoming:

A bill (S. 7363) granting an increase of pension to Arthur Mahar; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7364) granting an increase of pension to Katherine R. Doolittle;

A bill (S. 7365) granting an increase of pension to Thomas O. Oliver (with accompanying papers);

A bill (S. 7366) granting an increase of pension to James A. Snodgrass (with accompanying papers); and

A bill (S. 7367) granting an increase of pension to Zeruah A. Newell (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 7368) granting an increase of pension to Hamilton Rogers (with accompanying papers); and

A bill (S. 7369) granting an increase of pension to Morgan W. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 7370) granting an increase of pension to Henry Vanderpool (with accompanying papers);

A bill (S. 7371) granting an increase of pension to Charles H. Kirk (with accompanying papers);

A bill (S. 7372) granting an increase of pension to Edward J. Simmons (with accompanying papers);

A bill (S. 7373) granting a pension to John W. Detwiler (with accompanying papers);

A bill (S. 7374) granting an increase of pension to Uriah Fisher (with accompanying papers);

A bill (S. 7375) granting an increase of pension to Philena Harmer (with accompanying papers);

A bill (S. 7376) granting a pension to Elmer Harry Martin;

A bill (S. 7377) granting a pension to Mary Weber;

A bill (S. 7378) granting a pension to Uain A. Bigler;

A bill (S. 7379) granting a pension to Harry L. Wilson;

A bill (S. 7380) granting an increase of pension to Catherine M. Peck;

A bill (S. 7381) granting a pension to George W. Shearer;

A bill (S. 7382) granting a pension to John Williams;

A bill (S. 7383) granting an increase of pension to Alpheus Johnstonbaugh;

A bill (S. 7384) granting an increase of pension to George Weldner;

A bill (S. 7385) granting an increase of pension to George Miller;

A bill (S. 7386) granting a pension to Martha J. Miller;

A bill (S. 7387) granting an increase of pension to Henry M. Means;

A bill (S. 7388) granting an increase of pension to Martin O'Laughlin;

A bill (S. 7389) granting a pension to G. M. Richart;

A bill (S. 7390) granting a pension to Elizabeth Reese;

A bill (S. 7391) granting a pension to Frank E. Lawrence;

A bill (S. 7392) granting a pension to Caroline E. Pahl;

A bill (S. 7393) granting an increase of pension to J. A. Farnham;

A bill (S. 7394) granting an increase of pension to George W. Rauch;

A bill (S. 7395) granting an increase of pension to Harrison Carson;

A bill (S. 7396) granting an increase of pension to M. P. Holter; and

A bill (S. 7397) granting a pension to Alice J. Harris; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7398) granting an increase of pension to William H. Terwilliger (with accompanying papers); and

A bill (S. 7399) granting an increase of pension to Joseph Zeimer (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7400) granting a pension to William Manley; to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 7401) for the relief of Frank H. Walker and Frank E. Smith; to the Committee on Claims.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. WARREN submitted an amendment proposing to appropriate \$45,000 for the extension, enlargement, and construction

of the Le Clair and Riverton ditches for the irrigation of Indian allotments on the north side of the Big Wind River, Wind River Reservation, Wyo., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

PUBLIC PRINTING AND BINDING.

Mr. OLIVER (for Mr. PENROSE) submitted an amendment intended to be proposed to the bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, which was ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916, was read twice by its title and referred to the Committee on Military Affairs.

Mr. FLETCHER. I move that the Senate adjourn until tomorrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m., Monday, January 25, 1915) the Senate adjourned until to-morrow, Tuesday, January 26, 1915, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate January 25 (legislative day of January 15), 1915.

REGISTER OF THE LAND OFFICE.

Frank P. Wheeler, of Blue Lake, Cal., to be register of the land office at Eureka, Cal., vice David J. Girard, whose term will expire February 7, 1915.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Robert Emmett Jeffery, of Newport, Ark., to be envoy extraordinary and minister plenipotentiary of the United States of America to Uruguay, vice John L. de Saulles, declined.

POSTMASTERS.

ALABAMA.

C. L. Cleveland to be postmaster at Centerville, Ala., in place of Nelson C. Fuller. Incumbent's commission expires February 1, 1915.

ARKANSAS.

M. E. Sherland to be postmaster at McGehee, Ark., in place of M. A. Tucker. Incumbent's commission expires March 2, 1915.

CALIFORNIA.

Fred M. Kelly to be postmaster at Needles, Cal., in place of Fred M. Kelly. Incumbent's commission expires March 3, 1915.

COLORADO.

Robert E. Norvell to be postmaster at Hayden, Colo., in place of Clayton Whiteman. Incumbent's commission expires February 16, 1915.

Sarah J. O'Connell to be postmaster at Georgetown, Colo., in place of H. T. Hamill. Incumbent's commission expires February 23, 1915.

CONNECTICUT.

Edward M. O'Brien to be postmaster at Waterbury, Conn., in place of James M. Pilling. Incumbent's commission expires January 26, 1915.

DELAWARE.

Edwin V. Ocheltree to be postmaster at Greenwood, Del. Office became presidential January 1, 1915.

J. Frank Starling to be postmaster at Dover, Del., in place of James A. Hiron. Incumbent's commission expired January 10, 1915.

FLORIDA.

Thomas E. Blackburn to be postmaster at Bowling Green, Fla. Office became presidential January 1, 1915.

James F. McKinstry to be postmaster at Gainesville, Fla., in place of Louis C. Lynch. Incumbent's commission expired December 14, 1914.

GEORGIA.

Albert S. J. McRae to be postmaster at McRae, Ga., in place of Albert S. J. McRae. Incumbent's commission expired January 11, 1915.

IDAHO.

Emily B. Davis to be postmaster at Milner, Idaho, in place of E. C. Davis, resigned.

ILLINOIS.

W. B. Barnum to be postmaster at Ridgway, Ill., in place of Robert J. Hemphill. Incumbent's commission expires February 23, 1915.

Fred Beehn, sr., to be postmaster at West Salem, Ill., in place of G. C. Walser. Incumbent's commission expired January 16, 1915.

Hazel L. Garvey to be postmaster at Blandinsville, Ill., in place of Charles L. Blandin. Incumbent's commission expires February 14, 1915.

Solomon H. Handy to be postmaster at Marshall, Ill., in place of Edith Cole. Incumbent's commission expired January 9, 1915.

Helen G. Longenbaugh to be postmaster at Moweaqua, Ill., in place of J. E. Longenbaugh, deceased.

J. C. Neal to be postmaster at Neoga, Ill., in place of Edmund E. Dow. Incumbent's commission expired January 9, 1915.

INDIANA.

John A. Cody to be postmaster at New Albany, Ind., in place of M. Bert Thurman. Incumbent's commission expires February 16, 1915.

Theodore Hoss to be postmaster at Fowler, Ind., in place of Charles E. Hampton, resigned.

Henry E. Snyder to be postmaster at Atlanta, Ind., in place of Eli T. Steckel. Incumbent's commission expires February 16, 1915.

J. Bruce Pessell to be postmaster at Butler, Ind., in place of Thomas Rudd. Incumbent's commission expires February 6, 1915.

Lewis Phillippe to be postmaster at Bicknell, Ind., in place of William V. Barr. Incumbent's commission expires February 16, 1915.

Charles Van Arsdall to be postmaster at Hymera, Ind., in place of Cary J. McAnally. Incumbent's commission expires February 16, 1915.

IOWA.

Cary C. Beggs to be postmaster at Moulton, Iowa, in place of Charles M. Marshall. Incumbent's commission expired December 20, 1914.

Charles A. Britch to be postmaster at Ida Grove, Iowa, in place of William J. Scott. Incumbent's commission expired January 18, 1915.

Peter J. Cool to be postmaster at Baxter, Iowa. Office became presidential January 1, 1915.

Madge Fell to be postmaster at Fremont, Iowa. Office became presidential January 1, 1915.

Carl L. Little to be postmaster at Ames, Iowa, in place of L. M. Bosworth. Incumbent's commission expired December 20, 1914.

Max Mayer to be postmaster at Iowa City, Iowa, in place of Henry G. Walker. Incumbent's commission expires January 26, 1915.

William F. Oehmke to be postmaster at Larchwood, Iowa, in place of James J. Pruitt. Incumbent's commission expired December 13, 1914.

Frank B. Wilson to be postmaster at Greenfield, Iowa, in place of Robert B. Oldham. Incumbent's commission expired December 14, 1914.

KANSAS.

Wilford B. Flaughter to be postmaster at Cimarron, Kans., in place of Lissie H. Shoup. Incumbent's commission expires February 8, 1915.

Carl E. Hallberg to be postmaster at Courtland, Kans., in place of William Freeburg. Incumbent's commission expired January 19, 1915.

Arthur C. Inlow to be postmaster at Hill City, Kans., in place of Harry C. Smith. Incumbent's commission expired December 16, 1914.

W. E. Mattison to be postmaster at Mount Hope, Kans., in place of Philip B. Dick. Incumbent's commission expired January 13, 1915.

Frank E. Munger to be postmaster at Atwood, Kans., in place of Jonah E. Nickols. Incumbent's commission expired January 13, 1915.

Thomas Pore to be postmaster at Cedar Vale, Kans., in place of Austin Brown. Incumbent's commission expires February 1, 1915.

Isaac N. Richardson to be postmaster at Delphos, Kans., in place of A. J. Scranton. Incumbent's commission expired December 13, 1914.

William L. Scott to be postmaster at Sharon Springs, Kans., in place of George E. Ward, resigned.

KENTUCKY.

C. E. Beeler to be postmaster at Calhoun, Ky., in place of Ellsworth McEuen. Incumbent's commission expires March 2, 1915.

L. T. Doty to be postmaster at Owenton, Ky., in place of James P. Hutcheson, removed.

B. M. Powell to be postmaster at Corydon, Ky., in place of Smith Rogers. Incumbent's commission expired January 19, 1915.

MARYLAND.

Samuel A. Wyrill to be postmaster at Upper Marlboro, Md., in place of Fred W. Wilson. Incumbent's commission expires February 17, 1915.

MASSACHUSETTS.

Bernard Campbell to be postmaster at Millville, Mass. Office became presidential January 1, 1915.

Marianna J. Cooke to be postmaster at Milford, Mass., in place of George P. Cooke, deceased.

Thomas F. Donahue, jr., to be postmaster at Groton, Mass., in place of Fred H. Torrey. Incumbent's commission expired January 16, 1915.

Benjamin P. Edwards to be postmaster at Topsfield, Mass., in place of Benjamin P. Edwards. Incumbent's commission expired December 13, 1914.

Edward Gilmore to be postmaster at Brockton, Mass., in place of Joseph M. Hollywood. Incumbent's commission expired April 1, 1914.

Sydney Harrocks to be postmaster at Westminster, Mass. Office became presidential October 1, 1913.

Thomas F. Hederman to be postmaster at Webster, Mass., in place of W. I. Marble. Incumbent's commission expired December 13, 1913.

Aloysius B. Kennedy to be postmaster at Rochdale, Mass. Office became presidential January 1, 1915.

William B. Mahoney to be postmaster at Westfield, Mass., in place of William H. Foote. Incumbent's commission expired June 10, 1914.

MICHIGAN.

James Fraser to be postmaster at Webberville, Mich. Office became presidential January 1, 1915.

MINNESOTA.

Clarence O. Madson to be postmaster at Halstad, Minn. Office became presidential January 1, 1915.

Sophus A. Nebel to be postmaster at Braham, Minn., in place of Severin Mattson. Incumbent's commission expired January 11, 1915.

George Neumann to be postmaster at Osseo, Minn., in place of Stella M. Owen. Incumbent's commission expires March 2, 1915.

Alvin A. Ogren to be postmaster at New London, Minn. Office became presidential January 1, 1915.

O. P. Oseth to be postmaster at Oslo, Minn. Office became presidential October 1, 1914.

Nels J. Thysell to be postmaster at Hawley, Minn., in place of Fred Herring. Incumbent's commission expired December 13, 1914.

MISSISSIPPI.

Walter E. Dreaden to be postmaster at Lambert, Miss. Office became presidential January 1, 1915.

Susette E. McAlpin to be postmaster at Bolton, Miss. Office became presidential January 1, 1915.

MISSOURI.

John R. Blackwood to be postmaster at Hannibal, Mo., in place of Thomas B. Morris. Incumbent's commission expires February 1, 1915.

William H. Farris to be postmaster at Houston, Mo., in place of William T. Elliott. Incumbent's commission expires February 8, 1915.

John T. Haley to be postmaster at Steelville, Mo., in place of John C. Lark. Incumbent's commission expires February 1, 1915.

George H. King to be postmaster at Birch Tree, Mo. Office became presidential January 1, 1915.

Edward F. Layne to be postmaster at Center, Mo. Office became presidential January 1, 1915.

MONTANA.

Jefferson D. English to be postmaster at Big Sandy, Mont., in place of Harry S. Green, resigned.

I. T. Whistler to be postmaster at Browning, Mont. Office became presidential July 1, 1914.

NEW JERSEY.

Richard J. Fox to be postmaster at Grantwood, N. J., in place of Patrick J. Carney, resigned.

Isaac Klein to be postmaster at Salem, N. J., in place of Joseph Miller. Incumbent's commission expires February 6, 1915.

Louis J. Langham to be postmaster at Hammonton, N. J., in place of Thomas C. Elvins. Incumbent's commission expires March 2, 1915.

Charles C. Stewart to be postmaster at Mays Landing, N. J., in place of L. W. Cramer. Incumbent's commission expired January 11, 1915.

NEW YORK.

James R. Mapes to be postmaster at Canaseraga, N. Y., in place of Adolph Bluestone, removed.

James R. Mayne to be postmaster at Heuvelton, N. Y. Office became presidential October 1, 1913.

NORTH DAKOTA.

Frank E. Ellickson to be postmaster at Regent, N. Dak. Office became presidential January 1, 1915.

Waldo Leonhardy to be postmaster at Williston, N. Dak., in place of Gustave B. Metzger. Incumbent's commission expires March 3, 1915.

Henry W. O'Dell to be postmaster at Reeder, N. Dak., in place of Henry W. O'Dell. Incumbent's commission expired July 20, 1913.

F. W. Peterson to be postmaster at Sentinel Butte, N. Dak., in place of Walter A. Shear. Incumbent's commission expires February 23, 1915.

OHIO.

Samuel R. Coates to be postmaster at Maynard, Ohio. Office became presidential October 1, 1914.

Henry C. Fox to be postmaster at Coldwater, Ohio, in place of C. F. Morvilius. Incumbent's commission expires February 1, 1915.

Louis N. Gerber to be postmaster at Middleport, Ohio, in place of F. G. Hunker. Incumbent's commission expired January 23, 1915.

J. E. Halliday to be postmaster at Gallipolis, Ohio, in place of Earl W. Mauck, resigned.

Grover Cleveland H. Hipp to be postmaster at Grover Hill, Ohio, in place of Bruce E. McClure. Incumbent's commission expires February 1, 1915.

Charles J. Kessler to be postmaster at New Lexington, Ohio, in place of Joseph A. Donnelly. Incumbent's commission expires February 23, 1915.

Charles A. Lamberson to be postmaster at Coshocton, Ohio, in place of Seth M. Snyder. Incumbent's commission expired January 23, 1915.

Grover C. Naragon to be postmaster at Amsterdam, Ohio. Office became presidential October 1, 1914.

Robert T. Spratt to be postmaster at Malvern, Ohio. Office became presidential October 1, 1914.

L. K. Thompson to be postmaster at Uhrichsville, Ohio, in place of George W. White. Incumbent's commission expired January 23, 1915.

Henry W. Streb to be postmaster at Canal Dover, Ohio, in place of John J. Roderick. Incumbent's commission expired January 23, 1915.

OKLAHOMA.

Dorothy L. Avant to be postmaster at Avant, Okla., in place of J. O. Parker, deceased.

OREGON.

W. R. Cook to be postmaster at Madras, Oreg., in place of Fred Davis, resigned.

Gaphart D. Ebner to be postmaster at Mount Angel, Oreg., in place of Thomas L. Embler. Incumbent's commission expired January 16, 1915.

Mary E. Fitzpatrick to be postmaster at Beaverton, Oreg., in place of Fred W. Cady. Incumbent's commission expired January 16, 1915.

J. J. Gaither to be postmaster at Toledo, Oreg., in place of Rennas A. Arnold. Incumbent's commission expired January 10, 1915.

Charles O. Henry to be postmaster at Athena, Oreg., in place of Hugh O. Worthington. Incumbent's commission expired January 16, 1915.

John W. Hughes to be postmaster at Fossil, Oreg. Office became presidential January 1, 1915.

Mary T. Mangold to be postmaster at Gervais, Oreg. Office became presidential October 1, 1914.

George C. Mason to be postmaster at Jefferson, Oreg., in place of Charles M. Smith. Incumbent's commission expired January 16, 1915.

Lovie R. Watt to be postmaster at Amity, Oreg., in place of Arlington B. Watt. Incumbent's commission expired January 16, 1915.

W. C. Wilson to be postmaster at Joseph, Oreg., in place of Polk E. Mays. Incumbent's commission expired January 10, 1915.

PENNSYLVANIA.

James F. Drake to be postmaster at Hawley, Pa., in place of D. James Colgate. Incumbent's commission expired January 20, 1915.

B. Stiles Duncan to be postmaster at Duncannon, Pa., in place of William H. Pennell. Incumbent's commission expired January 11, 1915.

Winifred Hughes to be postmaster at Tioga, Pa., in place of G. Gillette Saxton. Incumbent's commission expired December 13, 1914.

John B. Shea to be postmaster at Eldred, Pa., in place of Claude H. Heath. Incumbent's commission expired December 15, 1914.

RHODE ISLAND.

Francis Fagan to be postmaster at Pascoag, R. I., in place of Warren W. Logee. Incumbent's commission expired January 11, 1915.

J. Elmer Thewlis to be postmaster at Wakefield, R. I., in place of Arthur W. Stedman. Incumbent's commission expired January 10, 1915.

SOUTH CAROLINA.

Dana T. Crosland to be postmaster at Bennettsville, S. C., in place of Thomas B. McLaurin. Incumbent's commission expired January 13, 1915.

SOUTH DAKOTA.

James M. Holm to be postmaster at Pierre, S. Dak., in place of Joseph B. Binder. Incumbent's commission expired June 20, 1914.

A. J. Johnson to be postmaster at Murdo, S. Dak., in place of William B. Yarosh. Incumbent's commission expired January 20, 1915.

TENNESSEE.

John L. Nowlin to be postmaster at Sparta, Tenn., in place of Samuel L. Parker. Incumbent's commission expires February 16, 1915.

TEXAS.

Horace C. Blalock to be postmaster at Marshall, Tex., in place of Henry O. Wilson. Incumbent's commission expires February 23, 1915.

Robert G. Branson to be postmaster at Burleson, Tex., in place of William P. Lace. Incumbent's commission expires February 6, 1915.

Joe H. Campbell to be postmaster at Matador, Tex. Office became presidential January 1, 1915.

Hugo J. Letzerich to be postmaster at Harlingen, Tex., in place of Hugo J. Letzerich. Incumbent's commission expires February 16, 1915.

Joseph W. Singleton to be postmaster at Waxahachie, Tex., in place of W. G. McClain. Incumbent's commission expires February 6, 1915.

UTAH.

T. L. Sullivan to be postmaster at Eureka, Utah, in place of E. W. Redmond, resigned.

VERMONT.

James E. Burke to be postmaster at Burlington, Vt., in place of Buel J. Derby. Incumbent's commission expires March 3, 1915.

George W. Gorman to be postmaster at Barre, Vt., in place of Edward B. Bisbee. Incumbent's commission expires March 2, 1915.

VIRGINIA.

William A. Byerly to be postmaster at Bridgewater, Va., in place of J. A. Riddel. Incumbent's commission expires March 3, 1915.

Crandal Mackey, jr., to be postmaster at Rosslyn, Va. Office became presidential January 1, 1915.

WASHINGTON.

John L. Field to be postmaster at Quincy, Wash., in place of Carey W. Stewart, deceased.

WEST VIRGINIA.

Fred S. Hathaway to be postmaster at Grantsville, W. Va. Office became presidential January 1, 1915.

WISCONSIN.

Phillip B. Bartlett to be postmaster at Melrose, Wis. Office became presidential January 1, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25 (legislative day of January 15), 1915.

REGISTER OF THE LAND OFFICE.

Joseph T. Carruth to be register of the land office at Blackfoot, Idaho.

RECEIVER OF PUBLIC MONIES.

Frank F. Steele to be receiver of public moneys at Helena, Mont.

APPOINTMENT IN THE ARMY.

GENERAL OFFICER.

Col. William A. Mann to be brigadier general.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. William Bryden to be captain.

Second Lieut. Leo J. Ahern to be first lieutenant.

Second Lieut. Donald M. Beere to be first lieutenant.

CAVALRY ARM.

Capt. Ervin L. Phillips to be major.

First Lieut. Douglas H. Jacobs to be captain.

INFANTRY ARM.

Second Lieut. George C. Bowen to be first lieutenant.

Second Lieut. John H. Hester to be first lieutenant.

Second Lieut. Franklin L. Whitley to be first lieutenant.

Second Lieut. Alfred H. Hobley to be first lieutenant.

Second Lieut. Arthur J. Hanlon to be first lieutenant.

Second Lieut. Olin O. Ellis to be first lieutenant.

Second Lieut. Elmer C. Desobry to be first lieutenant.

Second Lieut. Emile V. Cutrer to be first lieutenant.

POSTMASTERS.

ARKANSAS.

Bessie Devill, Kensett.

Mary G. Clark, Bald Knob.

William K. Estes, Calico Rock.

Robert H. Harrison, Tuckerman.

Sylvester K. Hohes, Murfreesboro.

Jesse C. Latta, Piggott.

Noble J. Nixon, Mulberry.

Joe J. Shaddock, Thornton.

Benjamin W. Thomasson, Rison.

Philip J. Smith, Dumas.

CALIFORNIA.

L. F. Kuhn, Stockton.

MINNESOTA.

C. S. Dougherty, Northfield.

NEW YORK.

Edward T. Cole, Garrison.

Gregory Dillon, New Rochelle.

Charles R. Flanly, Babylon.

John W. McKnight, Castleton.

Maud Rogers, Bridgehampton.

John W. Salisbury, Hamburg.

James J. Smith, Fleischmanns (late Griffin Corners).

OHIO.

William Alexander, Miamisburg.

Thomas O. Armstrong, Middle Point.

E. W. Fisher, Sugarcreek.

John E. Robbins, Jeffersonville.

PENNSYLVANIA.

William A. Ketterer, Rochester.

P. F. Leininger, Myerstown.

Walter James McBeth, Braddock.

Robert McCalmont, Franklin.

J. Edwin McCanna, Paoli.

Thomas J. McClelland, Boswell.

Edward L. Mifflin, sr., Ridley Park.

John A. Robinson, Brownsville.

Jesse S. Stambaugh, Spring Grove.

Frank T. Stiner, Moylan.

R. Morgan Root, Pottstown.

Ralph S. Wagner, New Florence.

SOUTH DAKOTA.

H. J. Hobart, Woonsocket.

Linville Miles, Langford.

TENNESSEE.

Jesse F. Jones, Loudon.

William D. Kyle, Kingsport.